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Sir William Berkeley, Governor of Virginia: A Study in Colonial Policy

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INTRODUCTION

England's colonial policy, like her constitution and her Old Empire, grew almost subconsciously while her attention was focused in other directions, out of a series of trial-and-error experiments and through a gradually collecting body of experience. When the seventeenth century opened, American colonization was a Hispano-Portugese monopoly; with the insignificant exception of Newfoundland, England had no New World settlement, and, discouraged by Raleigh's failures, showed little interest in establishing one. But when the century closed, the Atlantic seaboard from Maine to Georgia was peopled by thriving British colonists, and England's Caribbean possessions rivaled Spain's in strategic and economic value. Though the first settlements had been promoted by private enterprise, and the Crown at that time had no machinery for colonial government, by 1696, with the creation of the Board of Trade, the pattern for the British type of colony had been cut in its final form, and the developments of the eighteenth century necessitated only minor alterations in the pattern.

The student, therefore, who wishes to study the growth of the British colonial policy must look into

the seventeenth century to see its formative years. Virginia, the oldest and largest colony, invites his first attention, and there, as in the other colonies, the key figure was the governor, the personal representative of the Crown, the agent who received its instructions, formulated them into a practicable policy, and applied the policy to local conditions. In the roll call of Virginia's seventeenth century governors the name of Sir William Berkeley best answers the need for a case in point, for his term of residence closed the first Stuart period, spanned the Commonwealth, reopened with the Restoration and lasted through the first seventeen years of the reign of Charles II. It was a critical period in Virginia as well as in England, and the solutions to Virginia's problems furnished guideposts toward the larger problem of empire policy.

When Sir William arrived in Virginia in 1642, the colony was just emerging from a long and bitter conflict with the King's representative and was torn with political factions. And though he left it in 1677 in a strikingly similar upheaval, the outcome of the thirty-five years of his residence was a permanent system of government and clearly drawn local political groups whose alignment remained practically unchanged by eighteenth century

growth.

His term of residence coincided with the critical period in the crystallization of Virginia society, and his example of courtly manners and gracious entertainment at Green Spring was the greatest single personal influence in determining the nature of the seventeenth century Virginia gentleman.

His defense policies had been tested in conflicts with Dutch merchantmen in Chesapeake waters and in the last serious Indian war in colonial Virginia. His methods, though challenged by Bacon's rebellion and generally repudiated by his contemporaries, were later adopted in broad outline to furnish the basis for frontier protection all along the line of western settlement.

His early interest in the country beyond the Alleghenys encouraged exploratory expeditions which laid the foundation of Virginia's claim to the Ohio Valley on the basis of priority of discovery. As the agent of the colony in London, he entered protests against proprietary or corporate grants within the territory defined by the charter and defended the integrity of Virginia's boundaries and land titles.

The economic depression in the later years of his administration pointed up the cleavage between imperial

and colonial interests. The futile efforts to regulate the production and sale of tobacco and to foster a diversified economy and the growth of towns illustrated the impractical nature of the Crown's economic program. Protests against the Navigation Acts, frequently and eloquently voiced by Sir William, clearly pointed out the need for a wise imperial policy, a need which was not recognized by Parliament or by the Crown until it was effectively dramatized in the decade before the Revolution.

CHAPTER I

ENGLAND 1605-1642

Sir William Berkeley was born near London in 1605[1] into a proud and honorable family long prominent at Court and in the army, one which enjoyed the almost unique distinction of being able to trace its descent in direct male line from a Saxon ancestor living before the Conquest. His great-grandfather, Sir Maurice, had been Knight of the Bath and standard-bearer to Henry VIII, Edward VI and Elizabeth. His father, also named Sir Maurice, belonged to the branch of the family

1. The date is sometimes estimated as late as 1609. The sketch in The Dictionary of American Biography gives 1606; The Dictionary of National Biography furnishes no date, but in this sketch and that of his brother John each man is called the youngest son. W. G. Stanard in "Virginians at Oxford," William and Mary College Quarterly, First Series, II, 151 states that he was seventeen when he entered Queen's College on February 14, 1622/23; therefore, he was born between February 1605 and February 1606. His brother John was seventy-two when he died on August 26, 1678; therefore, he was born between August 1605 and August 1606. John, then, was the youngest son. This conclusion is supported by the order in which their names twice appear in their father's will. (See note 7 below.) The fact that William was not baptized until July 16, 1608 [Alexander Brown, Genesis of the United States (Boston, 1890), II, 828] adds to the confusion, for the other children were baptized within a year of their birth dates. The exact place of his birth also is in doubt. Daniel Lysons, The Environs of London (London, 1796-1811), V, 99 gives Hanworth, his mother's home; but this source gives the date as 1609, and the place may be equally in error.

which lived in Somersetshire at Bruton. He was knighted by Essex for gallantry at Cadiz in 1596, but he never served at court, although his cousins in Gloucestershire, the successive Lords Berkeley of Berkeley Castle, were members of the Privy Council. He did serve four times as a Member of Parliament, representing Truro, Somerset and Minehead intermittently for the last twenty years of his life.[2]

When George, Lord Carew, described Sir Maurice as "a gentleman . . . of many parts,"[3] he probably referred to his interest in trade and colonization. He was a member of the London Company and served on the King's councils for Virginia and for the Virginia Company of London, and at one time he was interested in developing 2,000 acres in Ulster, but his will mentions no property outside Somerset. Lord Carew's letter implies that Sir Thomas Roe had been closely associated with Sir Maurice. The two men were cousins,[4] and their activities in the London Company were strikingly similar, but there is no evidence that Sir Maurice was in any way connected with the South American or East Indian ventures of Sir Thomas.

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2. "Berkeley Family," D. N. B., II, 339 ff.; Brown, Genesis, II, 827-28.

3. Carew to Sir Thomas Roe, May 10, 1617, quoted in Brown, Genesis, II, 828.

4. D. N. B., II, 361.

Sir William's mother was Elizabeth Killigrew, daughter of Sir William Killigrew and sister of Sir Robert, of Hanworth, Middlesex.[5] It was an old Cornish family and members of the Middlesex branch had long been interested in representing the Cornish boroughs in Parliament. Sir William Killigrew and his brother, Sir Henry, had held important posts at Elizabeth's court and supported her interests in the House of Commons. Sir Robert, a friend of Sir Walter Raleigh, was a member of the House of Commons for twenty-five years. Sir Henry was an accomplished musician and painter, a dramatist, and at various times ambassador for Elizabeth to Germany, France, Scotland and the Low Countries.[6]

Sir Maurice Berkeley and his wife, Elizabeth, had seven children living at the time of his death in 1617: five sons, Charles, Henry, Maurice, William and John; and two daughters, Margaret and Jane.[7] The family lived

5. Ibid. Though this sketch of John does not agree with that on the Killigrews in XI, 107ff., it appears to be correct. Margerie Killigrew's will, P.C.C., 71 Clarke, cited in Alfred Harbage, Cavalier Drama (New York, 1936), p. 126, substantiates the relationship as stated in the Berkeley Family sketch.

6. D. N. B., XI, 107-114.

7. Will of Sir Morris Barkley in "Virginia Gleanings in England," Virginia Magazine of History and Biography, XVIII, 441-43.

in Bruton in a house built on the spot where Bruton Abbey once stood. Henry VIII had granted the site to the Sir Maurice who was his standard-bearer, and the Berkeleys lived there until late in the eighteenth century.[8]

After his baptism, July 16, 1608, there is no further record of William until he entered Oxford at the age of seventeen. After two years at Queen's College, he was elected probationer fellow of Merton College, and four years later, in 1629, was admitted Master of Arts.[9] The following year he traveled on the continent and returned to England with a high reputation for knowledge and experience.[10]

In 1632 Charles I made him a gentleman of the privy-chamber extraordinary.[11] At court he joined a group of

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8. "Ludwell Family," W. and M. Quart., First Series, XIX, 199-214. Sir Maurice's will does not list or locate his property exactly. His oldest son, Charles, as his heir received special gifts of armor, "furniture for warres," and tools, plate and jewels.

9. Anthony A. Wood, Athenae Oxonienses (London, 1817), III, 1111; Stanard, "Virginians at Oxford"; D. N. B., II, 368. Stanard states that he received the B. A. degree from St. Edmund Hall July 10, 1625, the M. A. from Merton July 10, 1629, and was a student at the Middle Temple in 1624. The latter fact seems doubtful; Stanard probably confused him with a cousin of the same name. See note 28.

10. Lysons, Environs, III, 591.

11. PRO, Lord Chamberlain, 5/132/p.305, in Harbage, Cavalier Drama, p. 116.

about a dozen courtier-playwrights who were members of the personal suites of King Charles and Queen Henrietta Maria. The Queen had brought with her to England not only French attendants but also French attitudes, manners and amusements. During the decade of the 'thirties, when her influence over Charles I was greatest, the court amused itself with amateur theatricals - masques, pastorals and romantic plays. Henrietta Maria herself sometimes took part in the productions and patronized the drama in a sense new to English experience. She sponsored several professional companies of players, the last one, called the Queen's Company, running until the theatres were closed; she attended afternoon performances of the King's Men at Blackfriars; and she created a mode for writing for court productions by the courtiers, who went a step further and had their plays published for use in public theatres too. Sir William, then, was one of the earliest examples of a new type of playwright who in competition with professionals produced a new kind of play, which was revived and popularized during the Restoration.[12]

The little group of courtier-playwrights included Sir William's cousin, Sir Thomas Killigrew, and the two

12. Harbage, Cavalier Drama, pp. 7-25.

famous Cavalier poets, Richard Lovelace and Sir John Suckling. Killigrew's first production antedated Berkeley's by a year. He had been interested in the drama since childhood, when he used to go to the Red Bull and volunteer to play the part of an imp in order to see the play for nothing.[13] His fiancée and a sister had made their acting debuts with Queen Henrietta Maria in her first appearance in an English play; this was Shepherd's Paradise by Walter Montague, a friend of Sir Thomas.

Both Sir William Berkeley and Sir John Suckling made their bows as playwrights in 1637. In February of 1638 it was reported that:

> Two of the King's Servants, Privy-Chambermen both, have writ each of them a Play, Sir John Sutlin and Will Barclay, which have been acted in Court, and at the Black Friars, with much Applause.[14]

Suckling's was said to have "cost three or four hundred pounds setting out, eight or ten suits of new cloaths he gave the Players; an unheard of prodigality." Berkeley was probably more circumspect; he never held a reputation for extravagance, whereas Suckling was prodigal in everything he did.

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13. D. N. B., XI, 111.

14. Garrard to Wentworth, February 7, 1638, in William Knowler, ed., Strafforde Letters (London, 1739), II, 150.

Sir William's Lost Lady was performed by the King's Company on March 28, 1638, at the Cockpit,[15] a building originally used for cockfighting and converted in 1617 into a theatre of the enclosed or private type. It was located in St. Giles in the Fields, adjoining Drury Lane.[16] A week later Suckling's Aglaura was performed by the same company. The two plays had parallel careers: both were printed in folio in 1638,[17] and both were revived during the Restoration, when Pepys saw them several times. Suckling wrote others later, better ones, and Sir William may be the author of another tragi-comedy, Cornelia. This was never printed and its text has disappeared. It too was revived in the Restoration, but Cornelia was "too witty for the vulgar sort"

15. Joseph Q. Adams, ed., The Dramatic Records of Sir Henry Herbert, Master of the Revels, 1623-1673 (New Haven, 1917), p. 76.

16. Alfred Harbage, Annals of English Drama 975-1700 (Philadelphia, 1940), p. 250.

17. Walter W. Greg, A List of English Plays Written Before 1643 and Printed Before 1700 (London, 1900), p. 12. There were two folio editions of The Lost Lady, both published by John Okes for John Colby, one in 1638, the other in 1639. A reprint may be found in W. Carew Hazlitt, A Select Collection of Old English Plays Originally Published by Robert Dodsley in the Year 1744 (London, 1875), XII, 537-627.

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and was seldom presented.

The Lost Lady was performed at least once by amateurs during the Interregnum, when the theatres were closed. Dorothy Osborne, in the year before her marriage to Sir William Temple, was visiting in the home of her Cavalier kinsman, Sir Thomas Peyton, in Kent. The friends gathered there in the summer of 1654 were amusing themselves with amateur theatricals in the manner of Queen Henrietta Maria's court. After seven years of separation from Temple because of family opposition to their marriage, Miss Osborne was beginning to lose her optimism and wrote to her fiancé:

> I leave you to judge the constraint I live in, what alarms my thoughts give me, and yet how unconcerned this company requires I should be; they will have me at my part in a play, "The Lost Lady" it is, and I am she. Pray God it be not an ill omen![19]

Though this is the only title mentioned in her letters, she did not seem to be greatly impressed with the play's literary or dramatic qualities; its appeal to her lay in the appropriateness of its title and the heroine's

18. William A. Ward, A History of English Dramatic Literature to the Death of Queen Anne (London, 1899), III, 163; Harbage, Cavalier Drama, pp. 115, 268.

19. Edward A. Parry, ed., Letters from Dorothy Osborne to Sir William Temple 1652-54 (New York, 1888), p. 304.

unhappy circumstances. One would imagine, however, that she was able to read such lines as these with real sympathy:

> The grave must be my bed then.
> With what harsh fate does heaven afflict me,
> That all the blessings which make others happy,
> Must be my ruin?[20]

It is difficult for a modern reader to pass judgment on an obscure play of this period.[21] The typical Cavalier play has been described as "an ornate, spectacular, rhetorical, sentimental, fortuitous medley."[22] The Lost Lady is all of this. It is serious, romantic

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20. Act II, Scene 1.

21. Pepys saw it twice within a fortnight's time. On Saturday, January 19, 1660/1, he noted: "... myself went to the Theatre, where I saw 'The Lost Lady,' which do not please me much. Here I was troubled to be seen by four of our office clerks, which sat in the half-crown box and I in the 1s6d." On Monday, the 28th, he reported: "... I went to Mr. Crew's and thence to the Theatre, where I saw again 'The Lost Lady,' which do now please me better than before; and here sitting behind in a dark place, a lady spit backward upon me by a mistake, not seeing me, but after seeing her to be a very pretty lady, I was not troubled at it at all." [Henry B. Wheatley, ed., The Diary of Samuel Pepys (London, 1893), I, 330, 335.] One questions the competence of Pepys' judgment. This was his first year's experience in seeing plays of any sort, and in each of these two instances he had a bad seat and distractions. He probably missed much of the story, which is so complicated it requires close attention. The few literary critics who have read the play disagree as to its value. Frederick G. Fleay, in A Biographical Chronicle of the English Drama (London, 1891), I, 28, pronounces it worthless. Ward grants the author ingenuity, subtlety and wit. Harbage, a more recent critic, considers it a somewhat superior product of its time.

22. Harbage, Cavalier Drama, p. 28.

drama full of high heroics, refined sentiment and lofty flights of idealism. Its theme is the triumph of constancy in the face of separation, misunderstanding, wicked interference and misfortune. The plot is incredibly complicated, but no more elaborate than some of Shakespeare's and less so than those of Suckling and other contemporaries. The background is conventionally placed in the political and military rivalry between two Greek states, Sparta and Thessaly in this play, and the two "star-crossed lovers" of the main plot are more or less stock characters. The popular devices of concealed identity and hair-breadth escapes seem somewhat overdone. The heroine, for example, escaped murder at the hands of her uncle when his agents stabbed her serving maid by mistake; she evaded recapture when she escaped in the guise of a Moor, and finally evaded poisoning at the hands of her lover, who did not recognize her. The repeated testing of faithful friends and lovers becomes monotonous. But in spite of its ridiculous plot, some of the situations are cleverly managed, and the dialogue has greater fluency and polish than one usually finds in Cavalier drama. Most of the courtiers are gay and sophisticated, and their witty social chatter, spiced with occasional bits of gentle ribaldry, is entertaining even

to modern tastes.[23]

Berkeley was no poet, though the play was written in blank verse. Perhaps it isn't fair to compare it with Shakespeare's, but so many things about the play are reminiscent of the Bard of Avon that the author rather invites comparison. Prince Lysicles pauses in a crisis demanding immediate action to deliver this Hamlet-like soliloquy:

> If life be given as a blessing to us,
> What law compels us to preserve it longer
> Than we can see a possibility
> Of being happy by it, but we must expect,
> Till the same power that plac'd us here, commands
> A restitution of His gift? This is indeed a rule
> To make us live, but not live happily.
> 'Tis true, the slave that frees himself by death
> Doth wrong his master; but yet the gods are not
> Necessitous of us, but we of them.
> Who then is injur'd if I kill myself?
> And if I durst to hear their voice, they call
> Men to some other place, when they remove
> The gust and taste of this. We should adore
> thee, death,
> If constant virtue, not enforcement, built
> Thy spacious temples.[24]

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23. For example, in Act I, Scene 2, Ergasto, a confirmed bachelor who used to boast about his liberty, is being twitted about his recent engagement; his reply:

> I was an ass when I talk'd so:
> Those damned books of chastity I read
> In my minority corrupted me; but since
> I'm practic'd in the world, I find there are
> No greater libertines than married men.

24. Act V, Scene 1.

But what does the play reveal of the man who wrote it? He was a successful courtier who could turn a graceful phrase, and all his life his letters and speeches had a courtly grace and fluency and unusual dramatic force. The conventionality of his situations and characters carried over into his attitudes toward the people and problems with which he was associated in later life. And yet, he had imagination and a sense of humor; some of the gay badinage of his characters is handled with a remarkably light touch. In spite of the artificiality and sophistication of his courtiers, there is surprisingly little real cynicism in their remarks. Sir William must have been quite sincerely satisfied with life at court, where he was a member of a popular group, accepted as an individual and rewarded with knighthood in 1639.[25]

He might have stayed on at court indefinitely, to follow the Stuarts abroad and return to court with their restoration, as did his cousin, Sir Thomas Killigrew, and his brother, John. Or he might have followed the examples of his father and eldest brother, Charles, and entered Parliament. Sir Charles represented his father's old constituency, Somerset, in 1621 and remained in the

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25. He was knighted at Berwick July 27, 1639. Stamard, op. cit., p. 151.

House of Commons intermittently until the Civil War, serving Badmin, Heytesbury and Bath successively after Somerset. He was joined there in 1640 by the youngest brother, John, who sat for Heytesbury while Sir Charles sat for Bath.[26] Or he might have entered the diplomatic service or the army. In 1637 John served for six months as special ambassador from Charles I to Queen Christina of Sweden. His appointment had probably been suggested by Sir Thomas Roe, who in the role of ambassador to the King of Poland eight years earlier had conducted negotiations with Gustavus Adolphus for a treaty which was advantageous to English trade. If Sir Thomas was willing thus to boost the fortunes of the youngest son of a former business associate and kinsman, he must surely have been willing to further the career of an elder brother already recognized at court as a person of ability and promise. John seems to have been a man of more ambition and wider interests than his brother William. He not only dabbled in politics and diplomacy but started a military career also. Upon his return to England from Sweden he received a commission in the army being raised to coerce the Scots and was knighted at Berwick just a year before William. From this point on until his death,

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26. Brown, Genesis, II, 827; D. N. B., II, 361.

John's fortunes followed those of the Stuarts, rising steadily until he achieved a peerage, a favored position in the inner circle of Charles II's advisers, and wealth enough to build a house in Piccadilly costing £30,000.[27]

Sir William's public life was to be built upon a sharp departure from family precedent. Suddenly on August 9, 1641, there appeared in the record an appointment as governor of Virginia for Sir William Berkeley;[28]

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27. D. N. B., II, 361-63.

28. William N. Sainsbury, ed., Calendar of State Papers, Colonial Series 1574-1660 (London, 1860), p. 321. Sketches in the D. A. B. and D. N. B. state that he was appointed one of the commissioners to Canada in 1632, citing Sainsbury, p. 9, as authority. This commission includes a William Berkeley without title, but the Index lists the reference under "Sir William," the subject of this study who was knighted seven years later. The absence of any evidence of his having gone to Canada or of any interest in Canada either then or later suggests that this was a cousin, William Berkeley of Bishopsgate, Alderman of London, who together with his brother, Francis, and his son, Francis, were partners of Sir Lewis and John Kirke in large-scale business activities in Canada. From 1628 to 1632 the partners had invested £60,000 developing their British trade monopoly in Nova Scotia, and in 1660 they were still attempting to recover the financial losses which they attributed to the restoration of Acadia to France by the Treaty of St. Germain in 1632 and to the unscrupulous interference of Thomas Temple, a favorite of Cromwell. Since England's claim to Nova Scotia partly depended on the validity of the Berkeley-Kirke claims, the dispute was repeatedly discussed in the Privy Council. In this confusion of identity lies the probable basis for the belief in Sir William's fur-trading activities. For details of the dispute, see Sainsbury, op. cit., I, 415, 481, 484, 488, 494, 497-98, and Francis L. Berkeley, The Berkeleys of Barn Elms, Planters of Colonial Virginia, Master's Thesis, University of Virginia, 1940, pp. 5 ff.

this appointment suggests a revival of active interest in Virginia which had lapsed in the Berkeley family since the death of Sir Maurice in 1617. Why did Sir William accept the appointment? Had he remained at court for nine years frittering away his time while waiting for just this opportunity? Had he sought the appointment and pulled wires to get it? What did he know, or care, about Virginia? Unfortunately there is no clue in any of his extant correspondence or in the public records which might even suggest an explanation of his attitude toward the commission.[29]

By the time the appointment was made, any intelligent person in Sir William's position at court could

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29. This is one of the two large blank spaces in the records of the life of Sir William Berkeley which baffle the student of his career; the other covers the eight years of his retirement during the period of the Commonwealth in Virginia. There are special reasons for the paucity of source material. If he ever collected his private papers, he either left them in Virginia when he went to England in 1677 and his widow destroyed them after his death, or he took them with him to England to use in his defense before the King. In that event, Lord John either destroyed them when he decided against pleading his deceased brother's cause in his stead, or he left them with his own papers, which were not preserved. There is a faint possibility of their being in the Muniments Room of Berkeley Castle, but the contents have never been completely listed, and the room is not open to historians. His public records too have had an unhappy fate. Those which were sent to Charles I had to follow him around during the Civil War and were never properly filed. Many of the local records for both of his administrations were deliberately destroyed by Bacon's men.

have recognized the approach of war. Perhaps he saw nothing attractive in the opportunities in England open to a stanch royalist with little interest in a military career and hoped to escape the confusion and uncertainty of life in a country torn by civil strife. Perhaps he hoped to hold Virginia for his King while he laid a secure foundation for a personal fortune which he expected to enjoy on his return to England in more settled times. One can only conjecture about the influence of his father's limited experience as a member of the Virginia Company.

When on March 9, 1607, Sir Maurice became a member of His Majesty's Council for Virginia, the Virginia Company was less than a year old, but the work of colonization had begun. The little band of Virginia's first settlers aboard the Susan Constant, the Discovery and the Goodspeed had left England three months earlier and would reach Virginia after another two months of traveling. The royal charter of 1606 had placed administrative control of the proposed colonies to be founded by the London and Plymouth promoters in the hands of the council resident in England. The original council of thirteen members had experienced difficulty in securing adequate attendance at its meetings, and

in response to their request King James at this time added sixteen new members for London and ten for Plymouth.[30] Sir Maurice, one of the new appointees representing the London interests, was in distinguished company which included his brother-in-law, Sir Robert Killigrew, and his cousin, Sir Thomas Roe. All the council members were financially interested in the Virginia venture.

Through this council the Crown assumed responsibility for the protection of the colonies and granted the Company permission to maintain armed forces to repel invasion. The Crown, through the council, was to set up the judicial, administrative and commercial institutions, leaving the details of economic policy to the adventurers themselves, through their council in Virginia, which was selected by the council in England. The charter[31] and the supplemental "Instructions for the Government of the Colonies"[32] reveal a royal policy closely akin to the program outlined by the Hakluyts two decades earlier for Raleigh's project. Since emphasis

30. "An Ordinance and Constitution Enlarging the Council," in Brown, Genesis, I, 91-95.

31. Francis N. Thorpe, Federal and State Constitutions, Colonial Charters and Other Organic Laws (Washington, 1909), VII, 3783-89.

32. Brown, Genesis, I, 64-75.

was mainly on the national interest, the colonies were to be governed from England.

It was a nationalist program,[33] directed against Spain in a predominantly economic rivalry, a conscious effort toward empire building, with the corporation rather than the state assuming financial responsibility. The techniques of management, therefore, were borrowed from the experience of the older mercantile ventures. The over-all plan was to set up a series of fortified trading posts along the coast from Florida to Maine and develop them for individual profits and national strength. Like Roanoke Island, the Jamestown settlement was an initial, experimental, exploratory effort, the first of many that were to follow under the auspices of Crown and Company. It was to be permanent, but also an outpost for further explorations on which later settlements were to be based. The plan was to build up the colony gradually.

Unfortunately there were no early returns on the original investment, and the high mortality among the

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33. George L. Beer, The Origins of the British Colonial System 1578-1660 (New York, 1908), Chapter 3. A brief recent interpretation may be found in Wesley F. Craven, The Southern Colonies in the Seventeenth Century 1607-1689 (Louisiana State University Press, 1949), pp. 43-49.

settlers, the inefficiency and internal quarreling of the Virginia Council, added to the absence of financial returns, suggested the need of a more business-like management. Therefore, Sir Thomas Smith as spokesman for the Company opened negotiations for a revised charter and for enlarging the Company's capital, with view to a broader program.

Both efforts met with success. Under the new organization each share of stock was valued at twelve pounds ten shillings and represented either a cash investment or personal "adventure"; dividends were to be distributed by shares either in money or in land. This arrangement for equality between the British stockholder and the colonial settler was a telling technique in promotion; those who contributed their persons and those who invested money thus did in fact compose one company. The reasons for a communal arrangement, then, lay in the fact of a communal undertaking.[34] Only the London group of promoters were included in this second charter signed by King James on May 23, 1609. The government was still to be in the hands of the council, now named His Majesty's Council for the Virginia Company of London, with the same authority as in 1606 except that its

34. Craven, Southern Colonies, pp. 87-88.

jurisdiction was limited to the projects of the London group. Although this was still a royal council, appointments appear to have been suggested by the merchant promoters, who in at least one instance offered membership in this body as an inducement to large contributions.[35] Sir Maurice Berkeley, for example, subscribed seventy-five pounds, six shares, and actually paid eighty.[36] The Council continued to draft instructions for the colonial officers, whom it chose. The charter made one important change in the colonial government. The governor was to be advised by the local council, which, unlike the earlier one, could not negate his decisions. Still appointed by the English Council, he was limited by its instructions.

Though the new London Company put into effect its careful, energetic and intelligent plans, the fortunes of the Virginia colony did not improve. After the terrible "Starving Time" in Virginia, the English Council

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35. A letter from the Council and Company of Virginia to the Lord Mayor, Aldermen and Commonies of London, written some time prior to March 20, 1609, contains this sentence: "And because you shall see, being Alderman of soe famous a cittie, wee give you due respects, wee are contented, having but one badge of grace and favour from his Majtie. to participate with you therein and to make as many of you as shall adventure fffifty pounds or more, fellow Councellors from the ffirst day with us who have spent double and treble as is required ...." Brown, Genesis, I, 252-53.

36. Ibid., II, 828.

considered the question of abandoning the colony, but decided for its continuance if an additional £30,000 should be invested in the undertaking. In accordance with this decision, the Company renewed its efforts to raise funds. All stockholders were asked to make additional subscriptions, new subscribers were invited to join the company, appeals were made to churches, the gentry, mayors of the larger towns, and other trading companies. Promotion pamphlets rang all the changes on patriotism, community spirit and individual pride, but collections were more difficult this time.[37]

After the winter of 1609 there was a growing interest in the Bermudas, where no history of failures dimmed the prospect. The Company decided, therefore, to emphasize that area in its new plans of 1612 and proposed another reorganization of the corporation to facilitate this program. The revised charter of March 12, 1612, extended the boundaries to include the Bermudas and set up a subsidiary joint-stock arrangement

37. An interesting promotion pamphlet of the period may be found in Force, Tracts, III, No. 1, A True Declaration of the estate of the Colonie of Virginia, With a confutation of such scandalous reports as have tended to the disgrace of so worthy an enterprise, entered November 8, 1610, at Stationers' Hall for publication by Sir Thomas Smith, Sir Maurice Barkley Sir George Coppin and Master Richard Martin, published by order and direction of the Councell of Virginia.

for the Bermuda subscribers. His Majesty's Council for the Virginia Company of London remained the liaison agency between the officers of the colony and officers of the Crown, and still sent instructions to the colonial officers. But the larger policy-making now was to be done by a "Court and Assembly" of adventurers, who were to select the officers of the Company and colony, admit new members to the Company, and draft laws for the colony. The Council was now in reality an executive committee of the Assembly of Adventurers, as in other trading companies. No important change was made in the administration of the colony.

Funds were raised by additional subscriptions and by lotteries; promotion methods were similar to those used in 1609. In 1616 a critical problem had to be met when the time came to redeem the promise made in 1609 to declare dividends at the end of a seven-year period. Now in 1616 there were only about 350 settlers living in Virginia, and the Company had nothing to offer except land.

Subscribers to the subsidiary Bermuda Company had received titles to land immediately and private holdings had been developed on individual initiative. The Virginia Company, believing that the relative prosperity

of the Bermuda settlers was due in part to the individual ownership of land there, announced a land dividend for the Virginia stockholders. But adequate money was not available for a careful organization of its distribution and for surveys; therefore, a rather involved scheme of distribution was put into effect. It amounted roughly to a grant of fifty acres for each share of stock, with an additional fifty acres for each person transported to the colony. In these circumstances Virginia's characteristic land system had its foundation.[38]

When Sir Maurice Berkeley died in 1617, nothing had been done about developing his shares. There is no mention of them in his will. But his widow was given one share on April 12, 1621, and an additional five-and-a-half shares on February 13, 1622.[39] With this incident the record of the activities of Sir Maurice Berkeley's family in Virginia affairs closed,

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38. There was some pooling of dividends to secure a common grant that might be developed as a large unit. One of the best examples of this action was Berkeley Hundred; its records are preserved in the Smyth of Nibley Papers, which are printed in Susan Kingsbury, ed., Records of the Virginia Company of London (Washington, 1933), III. Sir Maurice had no connection with Berkeley Hundred, whose name came from a collateral branch of the family.

39. Brown, Genesis, II, 828.

to be reopened twenty years later by his fourth son, Sir William.

During the quarter-century interval between Sir Maurice's death and Sir William's appointment, many changes had taken place in Virginia affairs. The most notable of these was the dissolution of the Virginia Company by James I, who revoked the charter in 1624 and assumed direct control of the colony.[40] Though the administration of Virginia affairs was in the hands of the King, no definite program had been worked out when James I died in 1625. Charles I described his general policy as "one uniform course of Government in and through our whole Monarchie," but he announced no definite, well-planned administration for Virginia. At first a committee of the Privy Council investigated colonial affairs, then a special royal commission was set up. Soon the government became absorbed in affairs

40. Wesley F. Craven, Dissolution of the Virginia Company (New York, 1932) is a detailed study of the years 1618-1624. Historians who examine the question, "Was the dissolution of the Company justified?" reach widely diverging conclusions. Most of them, notably Wertenbaker, in Virginia Under the Stuarts, follow Brown's conclusion in The First Republic in America, that the King and Privy Council deliberately tampered with the evidence and ordered the commission to present a "loaded" report. On the other hand, Andrews in The Colonial Period in American History, I, chapter 8, concludes that the King's action was justified, and Craven's study agrees with Andrews.

at home, the quarrel with Parliament, and little attention was given to Virginia. In 1631 the King appointed a committee of advisers to study the Virginia situation and make recommendations for its administration, and eight years later a clear-cut decision on its form of government was embodied in the instructions to Governor Francis Wyatt.

Meanwhile the actual conduct of Virginia affairs was in the hands of the royal governors and their councils, with occasional assistance from the House of Burgesses. One of the questions of paramount interest after 1624 was that of royal recognition of the existence of the House of Burgesses. In 1628 a special assembly was called by Wyatt on the King's instructions to discuss the proposed tobacco contract, and from that year on, an annual assembly was regularly summoned by the governor. These assemblies raised taxes in the absence of other sources of revenue for the colony's administrative expenses and passed additional laws for the regulation of colonial affairs. The desired recognition was formally given in 1639, when Governor Wyatt was instructed to call together once a year "the burgesses of all and singular plantations there, which together with the governor and council shall have power

to make acts and laws for the government of that plantation correspondent as near as may be to the laws of England, in which assembly the governor was to have a negative vote as formerly."[41]

When Sir William Berkeley received his governor's commission in 1641, he was to succeed Sir Francis Wyatt as the King's representative in a colony which had already developed a practical arrangement for cooperation between the representatives of the King and the Virginia settlers.[42] But the government in England had not yet worked out a colonial policy and a system of administration which would give clear definition to the relationship between the colony and the mother country. The period of his governorship was to see this pattern cut in its permanent shape.

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41. Instructions to Governor Wyatt, January 1639, in Virginia Magazine, XI, 54-57.

42. A discussion of the annual meetings of the Burgesses, 1624-1639, may be found in Andrews, Colonial Period, I, 196-205. He concludes: "As the result of fifteen years indecision on the part of the crown and of action on the part of the colony, the principle was finally laid down that a royal colony should be, in part at least, a self-administering community with a governor and council appointed in England and a representative assembly chosen by the freemen or freeholders of the colony."

CHAPTER II

VIRGINIA, 1642-1677

The new governor arrived in Virginia early in 1642 in time for the spring meeting of the Assembly. Shortly after his commission had been issued, a prominent member of the anti-Harvey faction in Virginia, Anthony Panton, filed a protest against Berkeley's appointment to replace Governor Wyatt. Consequently, Sir William's departure for his new post was delayed until Panton's petition could be considered, but he was permitted to sail after signing an agreement to protect the interests of Wyatt and his friends.[1]

Governor Berkeley was now thirty-seven years of age, handsome, dignified, and a man of great personal charm. His portraits[2] delineate a polished courtier

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1. Thomas J. Wertenbaker, Virginia Under the Stuarts (Princeton, 1914), pp. 85-86.

2. A miniature, privately owned, reproduced in William E. Dodd, The Old South (New York, 1937), p. 78, portrays him as a young man. An oil portrait, owned by Maurice dePont Lee, of Greenwich, Conn., once hung at Green Spring, then at Stratford; it is reproduced in Alexander W. Weddell, ed., A Memorial Volume of Virginia Portraiture 1585-1830 (Richmond, 1930), p. 91; in the Virginia Magazine of History and Biography, XXXIII, 356; and in Mary Newton Stanard, The Story of Virginia's First Century (Philadelphia, 1928), p. 204. The latter portrait shows him in middle age.

with unusual bodily strength and grace. His features - dark, brilliant eyes, heavy brows, prominent nose and mobile lips - wear a pleasant, alert expression, with a suggestion of arrogance. He must have appeared strikingly out of place in Jamestown, more at home at court than in the raw little provincial capital. He probably saw it first from shipboard just before he landed at one of the wharves on the southwestern shore of the island, where the river channel was deepest. The main part of the town centered around the little brick church, which was then being rebuilt. Its tower, whose ruins now dominate the island scene, was not yet finished. Farther along Back Street, the main thoroughfare running parallel to the coast, to the east of the church, stood a double house of brick, where public business was transacted and where Berkeley was to make his home during his first administration. Most of the other buildings were made of wood, small but "contrived so delightfully" that similar houses in England were "not so handsome."[3] The typical dwelling was a story and a half high, with brick chimneys, casement windows, and a sharply rising roof covered with

3. John Hammond, Leah and Rachel (London, 1656), p. 18, in Peter Force, ed., Tracts and Other Papers ... (Washington, 1844), III, No. 14.

shingles, tile or slate. Dormer windows projected from the upper half-story, and in the center of the front of the house a small porch extended from the ground level to the roof, forming an enclosed entry with open arches.[4] Back of the house there was a small garden and orchard. Most of the trees on the island had been cut, and the cleared ground was used for gardens, orchards and pastures.

King Charles I had drafted rather detailed instructions for the guidance of his agent in the colony. Governor Berkeley was to foster religious worship according to the forms of the Established Church, exercise care in appointing able ministers and see that they were comfortably housed and provided with glebe lands. He was toadminister oaths of allegiance and supremacy to all prospective settlers "to prevent any danger of spyes." He was to exercise vigilant care in the admin-

4. A Virginia type of architecture had already evolved by the middle of the century; Thomas J. Wertenbaker describes it in The Founding of American Civilization: The Old South (New York, 1942), pp. 73-80. Some students still believe the log cabin tradition; see George C. Gregory's article in The Virginia Magazine, XLIV, 287-95. The standard study of the subject is Harold Shurtleff, The Log Cabin Myth (Cambridge, 1939). A useful description of Jamestown, which uses the Ambler Manuscripts in the Library of Congress and Samuel H. Yonge, The Site of Old Jamestowne, may be found in Lyon G. Tyler, The Cradle of the Republic (Richmond, revised edition 1906).

istration of justice, both in the quarter court and in the county courts, summon the Burgesses annually and see that the laws of the General Assembly conformed to those of England, using his veto power at his discretion. He was to appoint all public officials below the rank of councillor, captain of the fort, muster master and surveyor general. For the defense of the colony he was to see that all settlers between the ages of sixteen and sixty received formal military training and to station a garrison at Point Comfort. The Indian trade was to be regulated strictly by special license. Particular care was to be given to the regulation of trade with other parts of the empire and to the diversification of industry; and the building of towns was to be encouraged. He was to continue to issue land patents on headright claims of fifty acres per person and to re-grant unimproved lands to actual settlers. He was to be diligent in preventing the engrossing of commodities and forestalling the market by prohibiting ships to break bulk before reaching Jamestown and by permitting intercourse between crews and colonists only by special license. Finally, he was responsible for the encouragement of virtue and goodness and the extirpation of vice,

particularly drunkenness.[5]

From the outset it was evident that Governor Berkeley intended to prevent the recurrence of factional quarrels and to work harmoniously with the Virginia officials. His first Council represented a blending of local factions; he kept his promise to protect Wyatt's friends by including Samuel Mathews, William Pierce and George Minifie as well as Wyatt himself.[6]

His first General Assembly set a precedent for smooth cooperation between executive and legislature. Governor and Council and Burgesses joined in an emphatic declaration against a revival of the Corporation and expressed unswerving loyalty and gratitude to the King.[7] They took special pride in recent revisions in the court proceedings and trials which brought the Virginia system nearer to the customs in

5. Instructions to Berkeley, [1642], in Virginia Magazine, II, 281-88. The document is not dated and is variously calendared; Sainsbury, for example, dates it August?, 1641, because that is the date of his commission. The date here used, 1642, comes from the copy in the Winder Papers, published in the Virginia Magazine, II, 281-88.

6. William W. Hening, ed., The Statutes at Large ... (Richmond, 1809), I, 235.

7. See chapter 8 for a diacussion of the declaration.

England. Berkeley recommended the repeal of the four-pound per poll tobacco tax for the governor's use and suggested an alternate scheme of assessment according to ability to pay. He promised that the new administration would guarantee greater freedom from executive oppression, "preferring the public freedom before his particular profit." The Assembly rewarded his generosity with tangible evidence of its gratitude, a gift of two brick houses and an orchard in Jamestown.[8] This was the double house which the Assembly had purchased from Harvey in 1641; Berkeley added a third, and the three-part, tenement-like structure became the site of the colony's official business until the fire of 1656.

The next year the Virginia Assembly revised the laws in force in the colony. An examination of the new code shows that Berkeley's instructions were already being put into effect. Twelve laws were devoted to the organization of the church and re-arrangement

8. Only two pieces of legislation of the 1642 Assembly have survived. They may be found in Hening, Statutes, I, 230-38, and in Force, Tracts, II, No. 6. The first is the declaration against the Company. The second, "A Remonstrance of the Grand Assembly," dated July 1, 1642, is a statement to the people of Virginia reviewing the legislation of the spring session. The gift to the governor was made in June, 1642, and confirmed by the legislature in March 1642/3, in Act XLVIII.

of parishes.[9] Act LI required that all office-holders take the oaths of allegiance and supremacy. Nine laws regulated the court system and the collection of debts.[10] Special provisions touching the General Assembly exempted the Burgesses from arrest and the Councillors from taxation; provided that no court decision would contravene an Act of the Assembly; and guaranteed that no taxes would be levied without the consent of the Assembly.[11] Other provisions regulated the Indian trade[12] and foreign trade,[13] forbade forestalling and engrossing,[14] and confirmed land grants, surveys, headrights and the seven-year exemption from quitrents.[15] For the protection of the colonists

9. Acts of the Assembly which met March 2, 1642/3, in Hening, Statutes, I, 238-82, No. 1, 14, 16, 17, 34-36, 64, 66-69.

10. Ibid., No. 12, 24, 37, 44, 46, 49, 54, 56, 57.

11. Ibid., No. 39, 71, 45, 3.

12. Ibid., No. 23.

13. Ibid., No. 7, 8, 9.

14. Ibid., No. 6.

15. Ibid., No. 35, 33, 38, 58, 72.

against excessive charges for public services, a fee system was carefully set up for the Secretary, sheriffs, county clerks and attorneys.[16] The final act of the session arranged a special salary accommodation for the governor, because the troubles in England had suspended his allowance and pension. It was an emergency measure, not to be considered a precedent, which collected provisions to the value of two shillings per poll; the act arranged the details of collection and set up a table of rates for the provisions.[17] It must have seemed strange indeed to the courtier-governor to receive his first salary in corn, malt, meat, poultry, butter and cheese, but the Assembly had the counties pay the expenses of transporting the produce to the governor's house, and he doubtless was grateful for their vote of confidence which took so practical a form.

The first crisis with which the new governor had to deal was the Indian massacre on Good Friday, April 18, 1644. Berkeley acted with courage and dispatch. He himself headed several expeditions against the savages and made immediate arrangements to protect the frontiers.[18]

16. Ibid., No. 47, 61.

17. Ibid., No. 73.

18. [redacted] For details see chapter 5.

With the emergency taken care of, he set out for England in June, leaving Richard Kempe in the governor's chair.

It was not a propitious time to consult the King about colonial problems, even that of Indian war, for the Civil War at home was going against the Cavaliers, who were defeated at Marston Moor while Sir William was crossing the Atlantic. Nothing is known of what he accomplished. He must have seen enough of affairs at home to fear the outcome of the war, for he returned to Virginia the following summer just before the decisive battle at Naseby.

He found the Indian war still in progress. Marches against them and expeditions to destroy their crops continued, and Sir William again led some of the expeditions. On one of them he captured Opecancanough, and within a few months the Indians sued for peace.

The remainder of his first administration was a period of economic prosperity for the colony and great personal popularity for the governor. He was especially concerned with consolidating Virginia's royalist loyalty, removing the danger of Puritan influence, and preventing serious interruptions in the colony's trade. The building program in Jamestown was making progress; the church was completed, a public market was

established, and Berkeley himself built at least one brick house there. The population of the colony was growing rapidly until by 1649 there were 15,000 English and 300 Negroes,[19] as compared with a population of 5000 in 1635.[20] The planters were prosperous and food plentiful; it was estimated that the colony could boast 20,000 cattle, 5000 goats, 3000 sheep, 200 horses and innumerable hogs and poultry.[21]

When in the spring of 1649 the news of the execution of Charles I reached Virginia, Governor Berkeley's horror, grief, and indignation were shared by the Virginians. Sir William commandeered a Dutch ship and dispatched Colonel Richard Lee to Europe to find King Charles II, declare Virginia's loyalty to him, surrender Berkeley's old commission and secure a new one. Lee found him in Breda, Holland, and received the requested commission under date of June 3, 1650.

Virginia affairs were at first unaffected by the changes in England, and her foreign trade continued

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19. A Perfect Description of Virginia (London, 1649), p. 3, in Force, Tracts, II, No. 8.

20. Philip A. Bruce, Economic History of Virginia in the Seventeenth Century (New York, 1896), I, 319.

21. Perfect Description, p. 3.

with few interruptions, even in defiance of Parliament. Sir William and his friends were busy consolidating their position in the colony and entertaining royalist émigrés, who might supplement their strength in an emergency. Clarendon later declared that Governor Berkeley "had industriously invited many gentlemen and others thither as a place of security which he could defend against any attempt, and where they might live plentifully."[22] Many "persons of condition" and "good officers in the war," he said, accepted the invitation. Among them was a person with the unlikely name of Beauchamp Plantagenet, who claimed to be the agent of other royalists who were thinking of settling in Virginia. He was entertained by Samuel Mathews and other gentlemen, and though favorably impressed with their hospitality, he made no settlement, probably because of inadequate funds and energy.[23]

Another refugee was Colonel Henry Norwood,[24] who planned his trip in Holland. He chose Virginia as a

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22. Edward Hyde, The History of the Rebellion and Civil Wars in England ..., Book XIII, p. 173, in W. Dunn Macray, ed., (Oxford, 1888), V, 263.

23. Description of the Province of New Albion (London, 1648) in Force, Tracts, II, No. 7.

24. His fantastic account of his voyage to Virginia may be read in Force, Tracts, III, No. 10.

place of permanent refuge because he was "nearly" related to Governor Berkeley and had secured a letter of recommendation to him from Charles II. In London he met two former comrades in arms, Major Francis Moryson and Major Richard Fox, and with about 300 others they chartered the Virginia Merchant and sailed for the West Indies, where most of the passengers planned to settle. After a stormy voyage about a dozen of them went ashore for water on an island near the Eastern Shore, where the captain unaccountably abandoned them. After two months of near-starvation in midwinter, they were rescued by friendly Indians who guided them to the Virginia settlements at the other end of the peninsula. There they were hospitably received and entertained at one plantation after another. Having crossed the Chesapeake Bay into York County, they visited the home of Captain Ralph Wormeley, where they found a group of old friends who, like themselves, had recently come to Virginia. There was Sir Thomas Lunsford, formerly Charles I's Lieutenant of the Tower, noted for gallantry in the Civil War; other Cavalier officers included Colonel Mainwaring Hammond, Sir Philip Honeywood, and Sir Henry Chicheley. Most of the group settled in Virginia and became prominent members of the government and

society. Norwood found Governor Berkeley at Green Spring, where he spent several months "as at my own house," he declared. Sir William then paid his expenses back to Europe, where he succeeded in getting Charles II's commission as Treasurer of Virginia. Norwood testified that Sir William's "house and purse were open to all" royalists and that he was especially kind to Moryson and Fox. The former became a figure of first importance in the colony, and the latter was made commander at Point Comfort.

With the arrival of the Parliamentary fleet and commissioners in the spring of 1652, Governor Berkeley surrendered the colony without a fight, though he had made preparations for resistance.[25] The terms of surrender gave those who wished to leave Virginia a year to arrange their affairs. Since oaths of allegiance to the new Parliamentary government were not required and the King's friends were assured of freedom from molestation, Berkeley and many of his royalist associates retired to private life and remained in Virginia throughout the Commonwealth period, quietly living as

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25. For a discussion of the circumstances of the surrender, see chapter 3.

planters.[26] Just before he left office Sir William secured the permission of the commissioners to send a message to Charles II explaining the circumstances of the colony's surrender to Parliament. The messenger whom he chose for the errand was Colonel Francis Lovelace, brother of his old friend and fellow-playwright at court, Richard Lovelace.[27]

In retirement Berkeley lived at Green Spring, his estate in James City County, about three miles from Jamestown. The estate took its name from its large spring lined with green moss and surrounded by lush vegetation. John Clayton, who visited the plantation about 1686, described the spring as "so very cold that 'twas dangerous drinking thereof in Summer-time."[28] The original grant to the land had been made by the Quarter Court on June 4, 1643, on headright claims;

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26. The most diligent research in contemporary records and correspondence produced only one bit of positive evidence of his residence in Virginia throughout the period. In his speech to the Assembly in March, 1660, he said: "... if any Supreame settled power appeares, I will imediately lay down my comission, but will live most submissively obedient to any power God shall set over me, as the experience of eight yeares have shewed I have done." Southern Literary Messenger, January, 1845, p. 1.

27. William N. Sainsbury, ed., Calendar of State Papers, Colonial Series (London, 1860), I, 365, 379.

28. John Clayton, A Letter ... to the Royal Society, May 12, 1688, ... p. 15, In Force, Tracts, III, No. 12.

after the survey had been made, the Council confirmed his title to 1090 acres on June 5, 1646.[29] He probably started building the manor house[30] shortly after the latter date, and it was near enough to completion for him to live in it after 1652. The house stood on the crest of a high terrace, facing Jamestown. It was built of brick made in a kiln on the estate and set

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29. The patent was confirmed from time to time: October 9, 1652, March 7, 1661, September 27, 1664, April 9, 1674. Philip Ludwell's full statement of the history of the title, printed in the Virginia Magazine, V, 383 ff., from the Ludwell Manuscripts, agrees with the entries in the Land Books and with an Act of the Assembly in Hening, Statutes, II, 319-21.

30. Interest in the house at Green Spring has been revived in recent years because of excavations now being made by the present owners of the estate. When the work is completed, it may be known definitely whether the foundations recently unearthed were outbuildings or parts of one of the early houses. It seems clear that the Ludwells had made some additions to Berkeley's house when William Ludwell Lee remodeled it in 1806. Lee employed Benjamin Latrobe in 1796 to design the alterations, and the architect made sketches of the house as it then stood, together with references to it in his notebook. The description here given is taken from the Latrobe drawings and details revealed by the excavations, as analyzed in Thomas T. Waterman and John A. Barrows, Domestic Colonial Architecture of Tidewater Virginia (Chapel Hill, N. C., 1947), pp. 10-17, and John F. Speight, "Virginia's 'First Manor House' Now a Ruin," Richmond Times Dispatch, May 16, 1948, p. D4.

in English bond, glazed on the ends with iridescent glass from the furnace near the kiln. The original building was long and narrow, two-and-a-half storeys high, with an ell at the west end. Big chimneys stood in the east end, in the west partition wall, and at the end of the ell. There were six rooms and a great hall large enough to seat the General Assembly, two narrow passages, and probably garret rooms in the upper half-story. There must have been small-paned glass windows, for Lady Berkeley took advantage of "a broken quarrel of the glass" in order to see the hangman incident. When Latrobe saw the house, there were two tiers of dormers and a porch with "some clumsy ornamental brick work about the style of James the first," which he believed to be part of the original building. Berkeley probably planned a quadrangle, and may have added another wing usually associated with the period of Ludwell ownership.

There were several out-buildings in Berkeley's time. One of these, whose ruins are still standing, was used as a jail in the period after the rebellion. The kitchen was probably in the ell of the house proper. This was the manor house of a large and prosperous

plantation, and a barn, stable, tobacco house, dairy and servant quarters must have stood near the main house. In addition to the thousand acres of land in the Green Spring estate, Berkeley had the use of the "Governor's lands" adjoining, about three thousand acres set aside for that purpose in 1619. There was an orchard with 1500 fruit trees, and tobacco fields under regular cultivation. On these lands Berkeley experimented with other crops - rice, flax, hemp, and indigo - and planted mulberry trees and vineyards. His life as a gentleman farmer, as Clarendon said, "was a better subsistence than he could have found any where else."[31]

He came out of retirement in March, 1660, when the General Assembly offered him the governorship to replace Mathews, who had died in January. He agreed to accept the position from the people of Virginia and to hold it under their authority while the confusion in England continued. If the King should be recalled to the throne, he would seek a new commission from him and retain the office during His Majesty's pleasure. Under any other "settled authority,"

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31. Hyde, History of the Rebellion, Book XIII, p. 173.

that of a new Protector, for example, he would resign. The news of the restoration of Charles II reached Virginia in September,[32] and the people shared their governor's joy and hope for the return of a settled regime of peace and prosperity.

But their joy was of short duration, for the first news of the activities and plans of the Restoration Court were disturbing. Parliament re-enacted the Navigation Act of 1651, cutting off the Dutch trade. While in exile, Charles II had granted all of the Northern Neck to a group of courtiers in exile with him, and now there were rumors of further lavish grants and the possibility of a revival of the Company. In an effort to protest these policies, the General Assembly sent Governor Berkeley to London as Virginia's special agent to inform His Majesty of conditions in the colony, to convince him of their loyalty and devotion, and to explain their interests. Two new holidays were announced: January 20, a fast day, commemorated the death of Charles I; May 29, a holy day, celebrated the birthday and the restoration of Charles II. In order to provide more practical

32. Berkeley's proclamation was dated September 16, 1660.

methods of impressing the court favorably, the Assembly allowed Sir William 200,000 pounds of tobacco for expenses; such a large amount would permit "gifts" where they would do the most good.[33]

Governor Berkeley sailed for England in April, 1661, leaving Francis Moryson as deputy-governor. He could not have felt very much at home in the court of King Charles II, for it bore few resemblances to that of Charles I when Berkeley left it more than two decades earlier. Henrietta Maria had returned with her son to act as official hostess, for there was no queen. The important women in court politics were the mistresses of the King and the Duke of York, notably Barbara Villiers, later Duchess of Cleveland. Among the courtiers closest to the King were several of Sir William's relatives. His brother, Lord John, Baron of Stratton, Governor of Connaught, Commissioner of Tangier, and soon to become a member of the Privy Council and the Council of Trade and Plantations, was a close friend of James, Duke of York; and in spite of his quarrel with Clarendon, an intimate of the King. His cousin, George, Lord Berkeley of Berkeley Castle, Gloucester, was superintendent of the palace and grounds

33. Hening, Statutes, II, 17.

of the Duchess of Cleveland, member of the Privy Council and the Committee for Foreign Plantations. Sir Charles Berkeley, another cousin, was treasurer of the King's household, and his son, Sir William, Rear-Admiral in the Navy, hero of the Dutch War, was close to the Duke of York.[34]

No other colonial governor had ever had such an entree at court. Other important figures whom he presumably knew personally were Edward Hyde, Earl of Clarendon; George Monck, Duke of Albemarle; Sir George Carteret, third most powerful member of the Privy Council; Sir Henry Bennett, later Earl of Arlington, kinsman of Richard Bennett, in Virginia. The courtiers were busy collecting rewards for their loyalty to the Stuarts and reorganizing the empire while they assured themselves of handsome incomes from commercial and colonial ventures. The extent of Sir William's interest in their money-making schemes is not known. The Royal African Company, which was organized while he was in London, included Lord John Berkeley and Lord George Berkeley among its members, but Sir William had no part in it. Through he remained at court more than a year, his only business association with Charles II's

34. "Berkeley Family," Dictionary of National Biography, II, 339 ff.

favorites was in the Carolina grant of 1663.

If he expected to receive special favors for Virginia from the King, he was disappointed. None of his specific suggestions was favorably received, but he was persistent. Nothing was ever heard again of the revival of the Company; perhaps his influence was partly responsible for that. His arguments against the Navigation Acts met with no success whatever, and he was finally ordered to return to his post and put his new instructions into effect. He was personally disappointed in the negative answer to his request for an increase in salary, which he said was lower than that of any governor in America; the Privy Council merely permitted the Virginia tax of two shillings per hogshead of tobacco to continue for that purpose. When he asked for one ship's customs to underwrite new experiments with staples, he received a sarcastic promise of a reward after a full cargo of new Virginia products had been delivered in England.

Many historians assume that he entered into the gay life at court and state positively that he was personally honored with a performance of The Lost Lady. But there is no record of a performance after January, 1661, and at that time Sir William was still in

Virginia. However, Cornelia was played at Gibbon's Tennis Court, in Clare Market, on June 1, 1662,[35] and he may have seen that performance.

It seems doubtful that he was completely converted to the new royal policy. The influence of his brother, John, is over-estimated; they were never friendly, and Sir William's will expressed a feeling of animosity toward Lord John's entire family. Though he tried to shape Virginia's economic program to fit the larger Restoration empire pattern, he continued to protest those phases of it which he considered detrimental to the colony's interests. As an efficient Crown agent it was necessary for him to follow the King's instructions, and if Virginia was to prosper, she must do it within the empire.

Other writers believe that his experience at court changed his outlook entirely and even produced a complete alteration in his personality, that Berkeley the greedy tyrant was created in 1662. If so, his letters did not reflect the change for more than a decade. Though he was disappointed in the results of his mission, he did not return to Virginia an irascible, avaricious old man, soured on the world. His private

35. Frederick G. Fleay, A Biographical Chronicle of the English Drama (London, 1891), I, 28.

correspondence with the New York governors, General Richard Nicholls and Colonel Francis Lovelace, in the decade of the 'sixties carries over-tones of optimism and enthusiasm quite in keeping with his youthful attitude toward life.

His new instructions were dated September 12, 1662; he doubtless brought them with him when he returned to Virginia late in the fall of 1662. The main emphasis was economic. He was instructed to foster the growth of towns, with one on each river, encourage the production of new staples, regulate the tobacco crops in conjunction with Maryland, and exercise especial care in the enforcement of the Navigation Acts.[36] He put the revised program into operation with energy and enthusiasm, financing many experiments with new products from his own funds and promoting exploratory expeditions into the uncharted west.

In spite of the cooperation of the Council and Burgesses, none of his plans worked out well. There was a depression in the middle of the decade, when the price of tobacco was falling with alarming consistency, freight rates were rising, and no agreement for stinting the crop could be reached with Maryland. Because

36. Instructions to Berkeley, 1662, in Virginia Magazine, III, 15-20.

of inadequate capital and inexperienced management the experiments with other staples were failures. All the new efforts cost money, and the complaint of high taxes was universal. No mines were discovered in the west. Events beyond his control contributed to the distress of the colony. The Dutch wars were expensive, even though the defenses were crude and inadequate, because the colony paid for them without much help from England. The servants' insurrection of 1663 was suppressed before any damage could be done, but the event added to the uneasiness of the planters. The hurricane of 1667 and the hard winter of 1672-'73 destroyed buildings, crops and livestock which the distressed planters could ill afford to lose.

Though Berkeley repeatedly appealed to the King for help, each succeeding action at Whitehall showed a discouraging disregard for Virginia's welfare. There were the new Northern Neck grant of 1669, the Staples Act of 1673, and the Arlington-Culpeper proprietorship of all Virginia in 1673. Not only the planters' trade, but their very land titles were in jeopardy, and Governor Berkeley could only protest - and in writing. Toward the end of the decade of the 'sixties he was making every effort to secure His

Majesty's permission to return to court for a brief visit, but these requests too were refused. In two personal letters to Arlington he allowed himself the luxury of expressing his discouragement. In asking for a renewal of Moryson's mission at court as Virginia's agent, he was determined to request no further favors for himself, "knowing that no seasonable showers or dews can recover a withered root."[37] Two years later he broke the resolution and asked for the customs of a large shipment of tobacco which he had "sent home." In forwarding this request to Arlington, he intimated that he had lost all hope of any mark of the King's favor.

> What shal I say my Lord [he continued] age and misfortunes have wilted my desires as wel as hopes and the truth is I cannot in this time of my old age so wish myselfe happy but that I presently repent of my desires to be so the way I proposd: when the time was that I could have taken any gust of the favours of princes I wanted the helpe of a friendly Angel to put me into the Poole when the waters were made seasonable for hopes and powerful to heale dispayre.
>
> I have donne the King and his blessed father all faithful service in my station but am as farr from pretending merit to my

37. Berkeley to [Arlington], April 10, 1665, in Calendar of State Papers, V, No. 972.

> King as the most pretending strict presbiterian is from [G]od.
>
> Yet though Ambition comonly leaves sober old age co[v]letousness does not.[38]

An important event in his personal life took place in 1670, when he married Frances Culpeper Stephens.[39] She was thirty years his junior, the widow of Samuel Stephens, whose family had been prominent in Virginia since 1623. His father, Richard Stephens, had enjoyed the doubtful distinction of an interesting altercation with Governor Harvey, who knocked out one of his teeth with a cudgel. Since his widow later married Governor Harvey, one wonders if the famous encounter was entirely a political affair.[40] Samuel Stephens had been a member of the Virginia Council and the second governor of Albemarle, and his widow

38. Berkeley to Arlington, June 5, 1667, in Virginia Magazine, XXI, 43.

39. The exact date of the wedding is not known. A deed of May 12, 1670, arranged a marriage settlement for her. Sir William conveyed to her brother, Alexander Culpeper, some undefined property in England valued at £600 for her use during her lifetime. The deed was acknowledged in court June 21, 1670, and it may be inferred that the marriage had taken place. - Robinson Transcripts of General Court Records, Virginia Magazine, VIII, 244.

40. New England Historical and Genealogical Register, XXXI, 395.

followed the example of her mother-in-law and married the current governor of Virginia within a few months of her first husband's death. Her contemporaries said that she was beautiful and proud. Her portrait, painted a decade after her second marriage,[41] presents a graceful, stately woman with regular but rather heavy features, a lady more impressive and formidable than pleasant and attractive. It is significant of her pride that her tombstone bears the title "Lady" though she should have dropped the title when she married Philip Ludwell after Berkeley's death. Whatever her nature, she gave Governor Berkeley her whole-hearted support during the last difficult years of his life and defended him after his death. Whenever he mentioned her name, he expressed affectionate regard for her and complete confidence in her judgment.

Sir William suffered from ill health during the decade of the 'seventies, but remained active. In the second Dutch War his courage and energy reminded his contemporaries of the young governor in the Indian war thirty years earlier. He was still a model soldier,

41. Weddell, Virginia Portraiture, p. 92.

decisive and efficient. But the next, and final, crisis found him physically and perhaps emotionally unprepared to meet it. This was Bacon's rebellion, a combination of Indian attack and domestic insurrection, which demanded his best judgment. And he muddled through it, indecisive and irascible, finally vindictive, avaricious and brutal. His whole life's work, his personal fortune, and even his life itself were threatened, and his cause was abandoned by the mass of the people of Virginia.[42] Heretofore, he had never known fear; perhaps he went to pieces because he was afraid he could not cope with the emergency. When Bacon first marched on Jamestown, Berkeley wrote to a friend in England:

> I am so overwearied with riding into all parts of this Country to stop this violent rebellion that I am not able to support myselfe at this Age six months longer and therefore on my knees I beg his sacred Majesty would send a more vigorous Governor.[43]

After the sudden death of Bacon in October, the rebellion collapsed. Bacon's support had already begun to fall off, for insurrection against the govern-

42. For a brief narrative of his actions and examination of his motives, see chapter 5.

43. Berkeley to [-], June 3, 1676, in Virginia Magazine, XVI, 200.

ment was a different matter from fighting Indians against the governor's command. Berkeley was able to restore order before the arrival of English redcoats. During the rebellion he and his chief supporters had lost much property, either burned in Jamestown or confiscated by Bacon's men in the outlying country. The next few months were devoted to frenzied convictions, executions and confiscations to punish treason and reward fidelity, and for personal revenge. Berkeley had always been strong-willed, impulsive and arrogant; heretofore, events in Virginia had moved under his direction and he had appeared genial and charming when supported by popular obedience and approval. Now, in the face of serious opposition, only the iron in his character showed, and his unattractive qualities were highlighted. His coarse brutality and vindictive spirit were revealed in his report of Bacon's death:

> Bacon entered the Town, burned five houses of mine and twenty of other gentlemen's, and a very Commodous Church. They say he set too with his owne sacraligious hands. But within three weeks after, the justice and judgment of God overtooke him. His usual oath was here sworn (at least 1000 times a day was God damme my blood) and Gode soe infested his blood, that it bred lice in incredible numbers, so that for twenty days he never washt his shirts,

but burned them. To this God added the bloody flux, and an honest minister wrote this epitaph upon him:

> Bacon's dead. I am sorry at my heart
> That lice and flux should act the hangman's part.[44]

Green Spring had been Bacon's headquarters toward the end of the rebellion. Berkeley returned to his estate in January, and the Assembly followed him there, since Jamestown was in ashes; under these circumstances his country home became the temporary capital of the colony. At about the time that the Assembly met, the King's commissioners arrived in Virginia: Sir John Berry, Commander of the Fleet; Colonel Herbert Jeffreys, deputy-governor; and Berkeley's friend, Colonel Francis Moryson. They announced that a thousand regulars would follow them. Sir William visited them on board ship and gave them an account of recent events. They, in turn, handed him instructions from the King, who now granted his last year's request for recall and directed his return to England to give an accounting of his conduct of the colony's affairs. Further, he was instructed to pardon all rebels except Bacon.

These directions were not pleasing to Sir William, who refused to leave Virginia, using as an excuse his

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44. Berkeley to [-], February 2, 1676/7, in Virginia Magazine, XVI, 200.

interpretation of the word "conveniency" in his orders. While he argued with the commissioners, trials, confiscations and executions continued, for he refused to publish the King's amnesty proclamation. The new Assembly, which met on February 20, contained a majority of Berkeley's supporters. They exonerated him of responsibility for the rebellion, voted him public money in recompense for his losses, and ignored the commissioners. Sir William refused to house and feed the soldiers when they arrived and pointedly neglected to invite the commissioners to Green Spring or to arrange another place for them to stay.

All communication between the governor and the commissioners was by letter, for he planned to send the entire correspondence to the Secretary of State.[45] They urged him to stop his illegal seizures and prepare to return to England, and requested an accurate record of his trials, convictions, forfeitures and executions before and since their arrival. In February he explained that he was too ill to leave the house and so destitute that he was unable to provide for his family

45. Letters from the Commissioners to Berkeley, February 11-April 25, 1677, in Calendar of State Papers, X, No. 57, 65, 84, 94; Virginia Magazine, XXI, 369, 371. Letters from Berkeley to the Commissioners, February 9-April 25, 1677, in Calendar of State Papers, X, No. 52, 58 59, 63, 76, 80, 85; Virginia Magazine, XXI, 370-71.

and the two hundred men then in his house,[46] much less the soldiers. He defended his confiscations on the ground of universal custom; he himself saw it done in England by agents of Charles I and Charles II, even when the victims had not borne arms or been convicted of treason. When he was able to leave his bed, he announced his intention to depart for England on the first ship. Late in April, Meryson, who had remained as friendly as possible throughout the unpleasantness, notified him of their intention to call on him at Green Spring to "take farewell leave of him before he went hence." They called on him the following day and received a final affront when the public hangman was substituted for the regular driver of the coach which took them back to Swann's Point. They angrily reported the incident to him immediately by letter. His indignant denial was written the same day. He had never seen the fellow's face but once before, and was as innocent as the blessed Angels themselves. Though deeply hurt by the accusation, he was trying to bear this last injustice, remembering the examples of patient

46. Fifty of the 200 were guards for the thirty prisoners, who were temporarily held there until the Assembly could move them.

forbearance set by God's "onely Glorious Son" and "our late blessed King Charles I." He had already sent the Negro to be racked, tortured or whipped until he confessed the circumstance of "this dire misfortune." Moryson, at least, accepted his apology, believed his protests and sent him a gift of "waters" to relieve his physical distress.

According to the report sent home by Thomas Notley, Lieutenant-governor of Maryland, Governor Berkeley boarded the ship Rebecca on May 5 and set out for England, leaving Virginia in a distracted state bordering on rebellion "as deep as in Bacon's time." The people, Notley declared, looked upon the commissioners as spies and men of no good intentions and needed only a leader "courageous enough ... to venture his neck" for a new rebellion.[47]

Berkeley arrived in England too ill and weak to bear the ordeal of an audience with the King. His brother, Lord John, cared for him in his home on Berkeley Square and promised to help him make his defense at court. Sir William was able to address a final petition to his royal master. He reviewed his record as governor of Virginia "above thirty-five

47. Governor Thomas Notley to Charles, Lord Baltimore, May 22, 1677, Calendar of State Papers, X, No. 263.

yeares" and described the colony's flourishing condition until Bacon's rebellion, when he not only hazarded his life in His Majesty's service, but was "totally ruined in his fortunes" to the amount of £10,000 sterling. But it was yet more "insupportable" to him that he had been misrepresented to the King, so that by reason of "a tedious passage" and great "grief of mind" he was now reduced to extreme weakness and desired to "clear his innocency" before his death and not to be "disturbed in the receipt" of his salary, the only support left to himself and family.[48]

King Charles was moved by his petition, and Lord John was able to bring his dying brother His Majesty's assurance of a sympathetic hearing as soon as he was able to appear at court. But Sir William did not live to present his case. He died on July 13, 1677, and was buried in the middle chancel of the parish church at Twickenham, in Middlesex, near Hampton Court. Lord John had bought Twickenham Park nine years earlier, and when he died in August, 1678, he was buried in a

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48. Petition of Sir William Berkeley, Governor of Virginia, to the King, 1677 [n. d., but in the June entries], Calendar of State Papers, X, No. 304.

vault in the south chancel of the parish church. At that time Sir William's body was moved into a place in the vault beside his brother.[49]

49. Anthony A. Wood, Athenae Oxonienses (London, 1817), III, 1111.

CHAPTER III

LOYALTY TO THE THRONE

> That you administer the Oaths of Allegiance and Supremacy to all such as come thither ... which if he shall refuse he is to be returned and shipped from thence home ....to prevent any danger of spyes. - Instructions, 1642

> Provided that you and the assembly take present care for the repeals of all Laws and orders made during the times of the late Rebellion and usurpation against our crown and Dignity and derogatory to the obedience which all our subjects of that our colony do owe unto us and to our Government and which we presume they are willing to pay to us. - Instructions, 1662

The dominant personality trait of Sir William Berkeley was intense loyalty to the House of Stuart. Never an official or private letter, a public address or a routine report failed to express forcefully this strong feeling of personal allegiance to the King. Even when he was protesting against the policies of Charles II which he considered detrimental to the best interests of both colony and crown, there was no question of his complete obedience to His Majesty's wishes and commands. Many of the mistakes and disappointments of his second administration stem directly from

his divided loyalty to the Crown and to Virginia, for he usually made a misguided decision in favor of the King. Any slight to himself was not only a personal affront to his own pride, but, more important, disrespect to the King's viceroy and therefore to the sacrosanctity of His Majesty. This was his attitude in dealing with the servants' rebellion in 1663 and with Bacon a decade later; rebellion was treason, the unpardonable sin.

This stanch royalist found in Virginia a congenial atmosphere, for the people as a body entertained a very strong feeling of loyalty to the throne. When news of the execution of Charles I reached the colony, the Virginians issued proclamations of loyalty to Charles II. Typical of the statements is the one made on May 16, 1649, by the Accomac Court and Commissioners, which has been preserved:

> Whereas it hath pleased Almighty God, to be deprived of our late dread Sovereign of Blessed Memory, We, the Court and Commissioners of Accomacke, Do by these present proclaim Charles the undoubted Heir of our late Sovereign of blessed memory, to be King of England, Scotland, France, Ireland, and Virginia, and all other remote provinces and Colonies, New England, and the Caribder Islands and all other hereditaments and indowments belonging to our late sovereign of blessed memory, Willing and requiring all his majesties high people to acknowledge

> their allegiance, and with general consent and applause pray God to bless Charles the second, King of England, France, Ireland, Virginia, New England, the Caribber Islands, and all other provinces and subjects to the English Crown. And so God save King Charles the Second. Amen, Amen, Amen.[1]

When the General Assembly met in October, the first act of the session denounced "the treasonable principles and practices of the republicans, in aspersing his memory and denying the divine right of kings" and declared any person in Virginia defending the legality of the proceedings against the King guilty as "an accessory post factum, to the death of the aforesaid King." It was "further enacted, That what person soever shall by words or speeches indeavor to insinuate any doubt, scruple or question of or concerning the undoubted and inherent right of his Majesty that now is to the collony of Virginia, and all other his majesties dominions and countryes as King and Supream Governour, such words and speeches shall be adjudged high treason." Equally guilty were those who should propose a change in government in Virginia or doubt "the power and authority of the Governor or government in civill or ecclesiastical causes."[2]

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1. "Northampton County Records," Virginia Magazine of History and Biography, IV, 406.

2. William W. Hening, ed., The Statutes at Large (Richmond, 1809), I, 359-61.

This period marked the zenith of Sir William's personal popularity and influence, and he probably neglected no opportunity to tighten the bonds of loyalty in his associates. He received wholehearted support from the Cavalier refugees in Virginia, and dispatched one of them, Colonel Richard Lee, to Holland to surrender his old commission to Charles II and receive a new one, the Breda Commission.[3] His most eloquent statement of his personal convictions appeared in a speech to the General Assembly in March, 1651, in protest against an Act of Parliament passed the preceding October to suppress the rebellious colonists and punish their defiance of the Commonwealth by cutting off all trade with England and with foreign countries. This impassioned appeal for loyalty to the Stuarts is quoted here in full because it is the most complete expression of the force that motivated Berkeley as governor of Virginia:

> Gentlemen you perceave by the Declaration that the men of Westminster have set out, which I beleeve you have all seene, how they meane to deale with you hereafter, who in the time of their wooing and courting you propound such hard Conditions to be performed on your parts, & on their owne nothing but a benigne acceptance of your duties to them.

3. Virginia Magazine, XVII, 135n., from Gibbon, Introductio ad Latinam Benseonum, p. 156.

Indeed me thinks they might have proposed something to us which might have strengthened us to beare those heavy chaines they are making ready for us, though it were but an assurance that we shall eat the bread for which our owne Oxen plow, and with our owne sweat we reape; but this assurance (it seems) were a franchise beyond the Condition they have resolu'ed on the Question we ought to be in: For the reason why they talke so Magisterially to us is this, we are forsooth their worships slaves, bought with their money and by consequence ought not to buy, or sell but with those they shall Authorize with a few trifles to Cozen us of all for which we toile and labour.

If the whole Current of their reasoning were not as ridiculous, as their actions have been Tyrannicall and bloudy; we might wonder with what browes they could sustaine such impertinent assertions: For if you look into it, the strength of their argument runs onely thus: we have laid violent hands on your Land-Lord, possess'd his Manner house where you used to pay your rents, therfore now tender your respects to the same house you once reverenced: I call my conscience to witnes, I lie not, I cannot in all their Declaration perceave a stronger argument for what they now impose on us, then this which I have now told you: They talke indeed of money laid out on this Country in its infancy: I will not say how little, nor how Centuply repaid, but will onely aske, was it theirs? They who in the beginning of this warr were so poore, and indigent, that the wealth and rapines of three Kingdomes & their Churches too, cannot yet make rich, but are faine to seeke out new Territories and impositions to sustaine their Luxury amongst themselves. Surely Gentlemen we are more slaves by nature, then their power can make us if we suffer our selves to be shaken with these paper bulletts, & those on my life are the heaviest they either can or will send us.

'Tis true with us they have long threatned the Barbados, yet not a ship goes thither but to beg trade, nor will they do to us, if we dare Honourably resist their Imperious Ordinance. Assuredly Gentlemen you have heard under what heavy burthens, the afflicted English Nation now groanes, and calls to heaven for relief: how new and formerly unheard of impositions make the wifes pray for barreness and their husbands deafnes to exclude the cryes of their succourles, starving children: And I am confident you do believe, none would long endure this slavery, if the sword at their throats Did not Compell them to Languish under the misery they howrely suffer. Looke on their sufferings with the eyes of understanding, and that will prevent all your teares but those of Compassion. Consider with what prisons and Axes they have paid those that have served them to hazard of their soules: Consider your selves how happy you are and have been, how the Gates of wealth and Honour are shut on no man, and that there is not here an Arbitrary hand that dares to touch the substance of either poore or rich: But that which I woud have you chiefly consider with thankfullness is: That God hath seperated you from the guilt of the crying bloud of our Pious Soveraigne of ever blessed memory: But mistake not Gentlemen part of it will yet staine your garments if you willingly submit to those murtherers hands that shed it: I tremble to thinke how the oathes they will impose will make those guilty of it, that have long abhor'd the traiterousnesse of the act: But I confesse having had so frequent testimonies of your truths and courage, I cannot have a reasonable suspition of any cowardly falling of from the former resolutions, and have onely mentioned this last, as a part of my duty and care of you, not of my reall doubts and fears: or if with untryed men we were to argue on this subject, what is it can be hoped for in a change, which we have not allready? Is it liberty? The sun looks not on a people more free then we are from

> all oppression. Is it wealth? Hundreds of examples shew us that Industry and Thrift in a short time may bring us to as high a degree of it, as the Country and our Conditions are yet capable of: Is it securety to enjoy this wealth when gotten? With out blushing I will speak it, I am confident theare lives not that person can accuse me of attempting the least act against any mans property? Is it peace? The Indians, God be blessed round about us are subdued: we can onely feare the Londoners, who would faine bring us to the same poverty, wherein the Dutch found and relieved us; would take away the liberty of our consciences, and tongues, and our right of giving and selling our goods to whom we please. But Gentlemen by the Grace of God we will not so tamely part with our King, and all these blessings we enjoy under him; and if they oppose us, do but follow me, I will either lead you to victory, or loose a life which I cannot more gloriously sacrifice then for my loyalty, and your security.[4]

At the close of the Governor's bold defiance of Parliament, the Assembly unanimously passed a series of resolutions refuting the accusations in the obnoxious act, denying all charges of rebellion, and reaffirming the loyalty of Virginians as Englishmen to the laws of England and to England's King, Charles II:

> For we say, we were some of us sent, others permitted to come hither by the gratious favour of our Pious Kings, sworne to governe, and be governed (as farr as possible the place was Capable of) by the Lawes of England; which lawes we have inviolably and sacredly kept as farr as our

4. Virginia Magazine, I, 75-77, from a pamphlet copy in Trinity College, Dublin.

> abilityes to execute and our Capacityes to judge would permit us, and with reason; for these lawes onely in such times of tumults, stormes, and tempests, can humanely prevent our ruines: These lawes often enjoyned us the Oathes of Allegeance and Supremacy, and they tell us, that no power on earth can absolve or manumit us from our obedience to our Prince, and his lawfull successors: These lawes tell us that when we have don all we can to avoyd it, we may resist violence with force, and in a lawfull defence of our selves, destroy any that shall endeavour to take away our lives or substance.

The resolutions closed in ringing tones of defiance and denunciation:

> ... we thinke we can easely find out the cause of excluding us the society of Nations, which bring us necessaries for what our Country produces: And that is the Avarice of a few interested persons, who endeavour to rob us of all we sweat and labour for: Therfore on the whole matter we Conclude: We are resolv'd to Continue our Allegeance to our most Gratious King, yet as long as his gratious favour permits us, we will peaceably (as formerly) trade with the Londoners, and all other Nations in amity with our Soveraigne: Protect all forraigne Merchants with our utmost force from injury within our Capes: Allwaies pray for the happy restauration of our King, repentance in them, who to the hazard of their soules have opposed him.[5]

The Council at Westminster took prompt action. A well-armed expedition commanded by Captain Robert Denis sailed up the James River in the spring of 1652, to find

5. Ibid., pp. 78-81.

Sir William preparing as strong a resistance as the resources of the colony permitted. Several Dutch merchant ships trading in Virginia were commandeered, manned by Virginians and moored close to Jamestown, with their guns covering the approach to the little capital. Several land batteries were strategically placed behind them, and Sir William himself was in active command of the colonial militia, which had been called up in full strength.[6]

But before shots were exchanged, the Parliamentary commissioners who had accompanied Denis offered such lenient terms of surrender that Berkeley accepted them.[7] The Virginians were required to acknowledge "obedience and subjection to the common wealth of England, according to the lawes there established," but neither

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6. Thomas J. Wertenbaker, Virginia Under the Stuarts (Princeton, 1914), pp. 99-100.

7. Wertenbaker states that some of the commissioners had arrived ahead of the fleet and planned the surrender with the Parliamentary Party in Virginia, who were concerned about the confiscation of their estates in the event of resistance, and that Berkeley recognized the futility of opposition in the face of a division in his Council. The terms were made lenient to avoid civil war in Virginia. But Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century (New York, 1910), II, 277, says the liberal terms were secured by Sir William's boldness and firmness.

governor nor council would be "obliged to take any oath or engagement to the Common-Wealth," nor "be censured for praying for or speaking well of the King for one whole yeare," and they were permitted to send a message to Charles II in Holland to inform him of the surrender.[8]

During the confusion following Richard Cromwell's death in May, 1659, Colonel Samuel Mathews, Governor of Virginia, died, and on March 13, 1659/60, the Assembly convened to elect another governor. Sir William Berkeley, royalist still after eight years of retirement, was their first choice.[9] In his speech to the Grand Assembly on their proffer of the Government he made it quite clear that his loyalty to Charles II must never be questioned:

> We have all had great and pressing fearos of offending a Supreame power which neither by present possession is soe, nor yet has a publiquely confessed politique capacity to be a Supreame power. I alsoe, Mr. Speaker, have my pressing feares too, and am seriously afraid to offend him, who

8. Articles of Surrender in Hening, Statutes, I, 363-68.

9. See Wertenbaker, op. cit., pp. 110-11, for interesting speculations concerning their reasons for choosing Berkeley. The circumstances of this election have been variously interpreted by Beverley and other early historians, but the documents discovered by Peter Force in 1844 and published in the Southern Literary Messenger, January, 1845, pp. 1-5, remove all doubt.

> by all Englishmen is confessed to be in a naturall politique capacity of being a Supreame power. I have bin once already outed by a Supreame power; I doe therfore in the presence of God and you make this safe protestation for us all, that if any Supreame settled power appeares, I will imediately lay down my commission.[10]

After accepting the position temporarily, under the conditions stated in his address, he appealed to the Council for their support:

> ... you have given me a great Treasure but in vaine, except you helpe me to carry it to a place of safetie; you have raised a high expectation of me, but you must instruct and prompt me how to satisfye it; you have layd high honours on me, but except you helpe to support me under them, they will sink me into diggrace.[11]

In a later address to the Burgesses he elaborated the explanation of his attitude:

> When I first came into this Countrie, I had the Commicon and Comands of my most gracious master King Charles of ever blessed memory, whoe was soe severe a punisher of all negligence and injustice of his ministers, that the feare and reverence I had of him made me, (with addition of some small portion of pietie, God hath blessed me with) doe all those things which you were pleased to accept of, and to his memorie is the praise of them due, and escapes to my owne innate weakness. When God's wrath lay heavie on us for the sins of our nation my ever honoured Master was put to a violent death, and immediately after his Royall Sonne ... resigning his judgment to his Father's choice, sent me a Commicon to governe here

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10. Southern Literary Messenger, January, 1845, p. 1.

11. Ibid., p. 2.

> under him, which I exercised with all faithfullness and humilitie to his commands, But the Parliament, after the defeate at Worcester, unwilling one they thought faithfull to him should remaine in any jurisdiction they could call theires, ... sent a small power to force my submission to them, which finding me defenceless, was quietly, (God pardon me,) effected. ... But, Mr. Speaker, all this I have said, is onely to make this truth apparent to you, that in and under these mutable governments of divers natures and constitutions I have lived most resignedly submissive: But, Mr. Speaker, it is one dutie to live obedient to a government, and another of a very different nature to Command under it.[12]

His uneasiness was put to rest with the arrival of King Charles II's new commission, dated July 31, 1660. Though the King had expressed his "assured trust and confidence in the understanding, care, fidelitie, experience and circumspection" of Governor Berkeley,[13] Sir William hastened to prostrate himself at the foot of the throne and to explain with great care the circumstances of his having held the post without the royal sanction:

> But it was noe more, may it please your Majestie, than to leape over the fold to save your Majesties Flock, when your Majesties enemies of that fold had barred up the lawfull entrance into it, and enclosed the Wolves of Scisme and rebellion ready to devour all within it. . . . But

12. Ibid.

13. Ibid., pp. 3-5.

> this relation I onely make your Majestie, which because God is my witness (as farr as I am able to know my owne heart) I always in all conditions had more feare of your Majesties Frownes then the Swords or Tortures of your Enemies. God of Heaven turn those yeares of affliction your Majestie has suffered for and by your Subjects to ages of happiness: Soe for ever prayes
> Your Majesties most Humble
> most Dutifull Loyal & Obedient
> Subject, Servant and Creature[14]

The Governor's joy over the restoration of the Stuarts was shared by his fellow-Virginians. The celebration when the proclamation was read in York County may be taken as typical of what was going on at the county courts all over the colony. The York records mention expenditures for borrowing big guns, whose repeated volleys used up a barrel of powder; trumpet fanfares to the extent of 800 pounds of tobacco in trumpeters' fees; 176 gallons of cider for drinking the King's health. This memorable occasion closed suitably with a sermon expressing the people's gratitude to God for the restoration of their rightful sovereign.[15]

Berkeley's enthusiastic devotion to Charles II ran smoothly until the middle of the decade of the 'seventies. It was more extravagant than that of

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14. Ibid., p. 5.

15. York County Records, vol. 1657-62, p. 243, in Virginia State Library, Richmond.

the courtiers, possibly because he scarcely knew the King personally and was not at Court often enough to be disillusioned. Thus His Majesty remained an ideal to whom he was fanatically devoted. His suggestions concerning Virginia's welfare were repeatedly ignored, his requests for such necessities as munitions in the Dutch wars and skilled workmen for the staples he was trying to promote were never granted, but his loyalty to the King's person never faltered. When he requested the customs of one tobacco ship to finance the silk and flax projects, because he had already spent his "whole tyme and estate in perfecting this great and beneficiall Commodityes"[16] and had produced only the three-hundred-pound gift to His Majesty the preceding year, Charles II agreed to give him the customs as a reward after a ship of 300 tons had reached England laden with Virginia silk, hemp, flax and potash.

His unswerving devotion was never rewarded with money or confidence - or even gratitude. His last extant message from the King was sent through Secretary Coventry just before Sir William was to begin his final trip to England to defend his conduct of affairs during Bacon's rebellion. His Majesty was surprised

16. Berkeley to the King [n. d., probably 1670], Virginia Magazine, XIX, 348-49.

and troubled at Berkeley's delay in obeying royal orders, especially in relation to substituting his own proclamation for the King's, for the Governor had always served the present ruler and his father through the worst of times with unshaken loyalty. Charles II could not hope that the Virginia people would obey a governor who did not obey his King. Coventry felt that Sir William had escaped the ignominy of a formal royal rebuke only because of his past record and the loyal service of his family. He was not hopeful of Berkeley's restoration to His Majesty's opinion and favor.[17] The King's cold conviction that he had been guilty of disobedience was the final blow that broke the old man's spirit.

Why did he disobey the King after a lifetime of faithful service? Possibly he felt that His Majesty had been misinformed. He had put down the rebellion without help from England, he knew the situation in Virginia better than any other adviser of the King, and he felt confident that his own loyalty and judgment would never be questioned. Or

17. Secretary Coventry to Governor Berkeley, May 15, 1677, in Virginia Magazine, XXII, 53.

perhaps his opponents were right in saying that he was a desperate, senile, exhausted man in the grip of an insensate rage, and he abandoned the guiding principles of a lifetime for the sake of revenge.

CHAPTER IV

LOYALTY TO THE CHURCH OF ENGLAND

> That in the first place you be carefull Almighty God may be duly and daily served according to the Form of Religion established in the Church of England both by yourself and all the people under your charge, which may draw down a blessing on all your endeavors. ... Suffer no invasion in matters of Religion and be careful to appoint sufficient and conformable Ministers to each congregation, that you catechise and instruct them in the grounds and principles of Religion. Instructions, 1642

> That God Almighty may be more Inclined to bestow his blessing upon us and you in the Improvement of that our Colony, you shall in the first place take special care that he be devoutly and Duly served in all your Government, the Book of Common prayer as it is now Established Read Each Sunday and Holy Day and the Blessed Sacrament administered according to the Rights of the Church of England. Instructions, 1662

The Crown's special emphasis upon conformity to the forms of the Church of England may be noted in the fact that it usually occupied first place in the formal instructions to the royal governors, who as the King's representatives occupied the position as spiritual head of the Virginia Church analagous to that of the King in the Church of England. Since

there was no bishop in Virginia, the governor had the final word in the choice of pastors. As the chief executive officer of the church, it was his responsibility to see that each parish had a minister and a church building. The other officers of the government had ecclesiastical duties to perform. The Council, as the supreme court in Virginia, tried important heresy cases. The General Assembly enacted laws governing all phases of the religious life of the colony. Locally the church wardens reported to the county court all individual church members guilty of non-support, non-attendance, or flagrant lapses from the accepted moral code, and the court meted out punishment as for civil offenses.

Berkeley made no important changes in the religious organization in Virginia. In answer to the question regarding the course taken there in instructing the people in the Christian religion, he replied in 1671:

> The same course that is taken in England out of towns; every man according to his ability instructing his children. We have fforty eight parishes, and our ministers are well paid, and by my consent should be better if they would pray oftener and preach less. But of all other commodities, so of this, the worst are sent

> us, and we had few that we could boast of, since the persicution in Cromwell's tiranny drove divers worthy men hither.[1]

In common with most of his contemporaries, Sir William considered heresy a sin only slightly less heinous than treason and closely connected with it. He dealt with non-conformity, therefore, as fundamentally a question of loyalty - not so much to one's personal God as to the established forms of the Church of England and to its temporal head, the King. At the time when he first came to Virginia, the problem had great political significance because the principal English non-conformists were either Roman Catholic or Puritan. The number of Catholics in Virginia was never large[2] nor influential, but they were looked upon with suspicion because of their allegiance to the Pope, who, since the time of the Tudors, had been popularly believed to have designs upon England's throne. No Catholic could hold office in Virginia because he could not take the oath

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1. 1671 Report on Virginia, in William W. Hening, ed., The Statutes at Large (Richmond, 1809), II, 511-17.

2. Culpeper reported in 1681 that there was only one papist living in Virginia. This appears to be a great understatement, but the number was very small. - Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century (New York, 1910), I, 274.

of supremacy, acknowledging the King's spiritual and temporal control over all his subjects. The Virginians had always opposed the settling of papists among them, but without more than the usual prejudice until the founding of Maryland introduced a new element into the picture - fear for their land titles.[3] Sir William, fresh from the court of Charles I, seems to have felt no fear of Catholics or unusual prejudice against them, for the two or three instances of action against them during his administration were handled by the General Assembly shortly after his arrival.

During his first administration his persecution of non-conformists was confined to action against the Puritans. In 1642 the number of that sect in Virginia was very small, and most of them lived in Nansemond County. But several prominent men in the colony had Puritan leanings: Claiborne, Mathews, West, Richard Bennett and his brother, Philip.[4] During the summer of 1642 Philip Bennett went to Boston with a message from seventy-odd Puritan petitioners from Nansemond asking that three New England ministers be sent to supply the Virginia congregations with Puritan

3. See chapter 8 below.

4. William E. Dodd, The Old South: Struggles for Democracy (New York, 1937), p. 78.

teaching. The Massachusetts General Court, on September 8, readily voted relative to "the ministers proposed to be sent to Virginia, that if the churches will consent to have them go, the Magistrates should commend them to the Government there." Three distinguished ministers were chosen: John Knowles, a graduate of Cambridge; William Thompson, an Oxford graduate; and Thomas Jasos, the pastor at New Haven, Connecticut. After a stormy voyage, they arrived in Virginia with Governor Winthrop's letter of introduction and commendation to Governor Berkeley.[5]

Probably to their great surprise, the ministers received a cool reception from Sir William. An anonymous "old chronicler" reported:

> They found loving and liberal entertainment in the country and were bestowed in several places, by the care of some honest minded persons that much desired their company rather than by any care of the Governour. ... It fared with them as it had done before with the Apostles in the primitive time, that the people magnified them, and their hearts seemed to be inflamed with an earnest desire after the Gospel, though the civil rulers of the country did not allow of their public preaching because they did not conform to the orders of the church of England, however, the people resorted to them in private houses as much as before.[6]

5. Edward D. Neill, Virginia Carolorum (Albany, 1886), pp. 166-67.

6. Ibid., p. 172.

Berkeley's formal reply to Winthrop's letter of introduction took the form of an Act of the Assembly "for the preservation of the puritie of doctrine & unitie of the church." The statute declared that "all ministers whatsoever which shall reside in the colony are to be conformable to the orders and constitutions of the church of England, and the laws therein established, and not otherwise to be admitted to teach or preach publickly or privatly" and required the Governor and Council to expel non-conformists from the colony.[7] Knowles and James obeyed the executive order and returned to New England, but Thompson remained long enough to make numerous converts and win the approval of Cotton Mather, who wrote of him: "A constellation of great converts there shone around him, and his Heavenly glory were."[8]

Other ministers came under the governor's ban. The most notable of these was Thomas Harrison, his personal chaplain, who appears to have left the Church of England under the conviction that the Indian massacre of 1644 was God's judgment on Virginia's persecution of the Puritans. When he refused

7. Hening, Statutes, I, 277.

8. Quoted in Bruce, Institutional History, I, 255.

to administer the rite of baptism and to read the Book of Common Prayer, he was compelled to leave his parish in Lower Norfolk. He went to Boston, where he discussed the outlook for Puritanism in Virginia with his wife's kinsman, Governor Winthrop.[9] He told of having left a congregation of 118 converts, and the Massachusetts magistrates expected a "far more plentiful harvest" from the fact that many Council members were sympathetic with Puritan doctrines and that a minimum of 1000 could already be counted in Virginia.[10] Meanwhile Harrison's former congregation in Nansemond had sent a petition to the Council of State describing him as an able man of unblemished life, who had been banished from the colony for not using the Book of Common Prayer. By this time Parliament had prohibited its use in England; therefore, on October 11, 1649, two letters were ordered sent to the Governor of Virginia, the one demanding why Harrison had been banished, the other directing his return to his

9. Dodd, Old South, p. 119.

10. Selections from Winthrop's Journal in William and Mary College Quarterly, First Series, XIII, 54ff.

ministry.[11] But in spite of his support in England and in New England, Harrison did not return to Virginia, for his next appearance in active work was as Henry Cromwell's chaplain.[12] If he had wished to pursue the question to the point of victory for himself and his cause against the Governor, he probably could have forced Berkeley to give way.

Sir William's success in ridding the colony of Puritans was only partial, and even then only partly due to his own efforts. The methods used to suppress them, never very harsh, were described in Hammond's pamphlet, Leah and Rachel. First the pastor was banished, then other teachers; many lay members were "by informatiõs clapt up in prison," and usually disarmed, a very harsh measure "in such a country where the heathen live round about them." Finally they received orders of banishment and petitioned Baltimore for refuge in Maryland, where they found sanctuary for a time until they became involved in quarrels there.[13]

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11. William N. Sainsbury, ed., Calendar of State Papers, Colonial Series 1574-1600 (London, 1860), p. 330.

12. Bruce, Institutional History, I, 257.

13. John Hammond, Leah and Rachel, or The Two Fruitfull Sisters Virginia, and Mary-land (London, 1656), pp. 21-22, in Peter Force, ed., Tracts and Other Papers ... (Washington, 1844), III, no. 14.

Many ministers and perhaps hundreds of settlers south of the James went to Maryland and settled in the area around Annapolis, among them the wealthy Richard Bennett, who abandoned his Virginia plantation.[14]

Since the Parliamentary Party in England was dominated by Puritans, Berkeley probably looked upon those in Virginia as a potential threat to his administration, and as the decade progressed, bringing them ever-increasing success at home, his uneasiness grew proportionately. He must have been alarmed at the activity of former Virginia Puritans in Maryland. Bennett, William Durand, Harrison's successor in the Lower Norfolk parish of Elizabeth River, and William Stone, formerly of Northampton County, were arranging a cordial welcome for fellow-emigrants from Virginia, and one of their number, James Cox, became at the end of the decade Speaker of the Maryland Assembly.[15] If he banished too many prominent non-conformists, they might come to rule Maryland, and if he left them alone,

14. John H. Latane, "Early Relations between Virginia and Maryland," Johns Hopkins Studies, Series XIII, No. 3-4, pp. 47-49; Daniel R. Randall, "A Puritan Colony in Maryland," Ibid., Series IV, No. 6, pp. 17-20.

15. Dodd, Old South, p. 119.

they might come to control the Virginia Assembly. Probably at his suggestion, the House of Burgesses in November, 1647, enacted as a penalty to non-conformist ministers the regulation that their parishioners refuse to pay the tithes to support them.[16] And the following year the General Assembly provided a special guard of ten men for the governor's use "in such services, either in publique or private affaires as he shall think fitt," giving as their reason "some treacherous attempts threatened by the salvages towards the person of the Governor ... as also being sensible of the many disaffections to the government from a scismaticall party, of whose intentions our native country of England hath had and yet hath too sad experience."[17]

Though many of the Puritans who remained in Virginia were well-to-do, prominent men, their influence as Puritans was never strong in the political

16. Hening, Statutes, I, 341-42.

17. Ibid., I, 354-55.

or social life of the colony.[18] Their religious convictions did not color their way of life with the austerities common in New England, even during the period of the Commonwealth, for the more leisurely life of the plantation did not encourage the self-denial and plain living which was congenial to the New England village. Berkeley's persecution, therefore, never became severe, and Puritanism in Virginia gradually dies out because it did not flourish in Virginia's climate of opinion.[19]

In his second administration Berkeley had to deal with the more serious threat to authority offered by the Quakers; a problem which had serious political and social facets. It was one inherited from the Interregnum, and legal action had already

18. Thomas J. Wertenbaker, Virginia Under the Stuarts (Princeton, 1914), pp. 93-95, concluded that they formed the nucleus of a strong Parliamentary Party of opposition to King and Governor recruited from disaffected small farmers and newly freed indentured servants; that this group, jealous of the Virginia ruling class and sympathetic with the cause of their brethren in England, were waiting for an opportunity to set up a more liberal government in the colony. But these conclusions are based on suppositions, and when the opportunity arrived with the Parliamentary commissioners, they failed to take advantage of it.

19. See Bruce, Institutional History, I, 259-261, for similar conclusions.

been taken to suppress the sect. They tended to diminish respect for government officials by refusing to take off their hats in court or use any title of respect. Since they would not take an oath under any circumstances, they avoided jury duty and could not be held to account in the usual way. Their peculiar religious convictions enabled them to avoid important public responsibility, notably military service, and in a frontier community this made a serious breach in public morale. Since they paid no taxes to the Established Church, their presence in any considerable numbers in a community made the already onerous burden of tithes fall more heavily on the other citizens. Their secret meetings aroused suspicion, especially after the abortive servants' revolt of 1663, for their greatest appeal was to the underprivileged. Furthermore, as individuals they were socially difficult, unpleasant and uncooperative neighbors, and their most fanatical early missionaries were women whose example struck at one of the roots of the social order--the modesty and reserve of women.[20]

20. Rufus M. Jones, The Quakers in the American Colonies (London, 1911), a classic, gives a sympathetic treatment of their group life and work in the Southern Colonies, pp. 320-28.

The first action against the sect was taken in the late 'fifties by local communities on the Eastern Shore, who found them unruly citizens often guilty of disturbing the peace. Within four years after the arrival of their first missionary in the colony, local complaints had become numerous enough to produce an Act of the Assembly in March 1659/60[21] for suppressing the Quakers. It denounced them as "an unreasonable and turbulent sort of people ... teaching and publishing, lies, miracles, false visions, prophecies and doctrines, which have influence upon the communities of men both ecclesiasticall and civil endeavouring and attempting thereby to destroy religion, lawes, communities and all bonds of civil society, leaving it arbitrarie to everie vaine and vitious person whether men shall be safe, lawes established, offenders punished, and Governours rule, hereby disturbing the publique peace and just interest."[22] Since the missionaries from England, anxious to become martyrs, were the chief offenders,

21. Bruce, Institutional History, I, 328, refers to a similar act of 1658, but his footnote for the statute refers to the act of 1659/60, and there is none to be found in Hening for the earlier session.

22. Hening, Statutes, I, 532.

the law imposed a fine of £100 sterling on every ship captain who brought a Quaker into the colony and on every Virginian who entertained a Quaker missionary in his home. The exhorters were to be arrested and imprisoned without bail until they should leave the colony and promise never to return; second offenders were to be prosecuted as contemners of the law and banished again; the third offenders were to be punished as felons.

This act, though less severe than similar regulations in New England, antedated the famous Clarendon Code in England. Since it was passed by the session which chose Sir William governor, he was probably in no way responsible for it. But he was in full sympathy with its spirit, since he understood the problem as a private citizen in the Interregnum, and he acted under it with dispatch and force in special cases of its infringement. Less than five months after the act was passed, he wrote to Richard Conquest, sheriff of Lower Norfolk:

> I heare wth Sorrow yt you are very remise in yor office, in not stopping yee frequent meetings of this most pestilent Sect of ye quakers, whether this bee so or not, I doe charge you (by vertue of ye power ye grand assembly has entrusted mee wth) not to suffer any more of theire

> meeting or Conventicles and if any such shal bee refractory yt you send them up prisoners to James Citty. I expect your obedience to this wch I send you wth out enclosing yt all may take notice of it.[23]

By arranging to have the more troublesome offenders sent to Jamestown for trial, Berkeley was limiting the discretion of the local courts, who seldom punished native Quakers; most of the recorded cases dealt with missionaries, alien members of the sect who came into the colony with the definite purpose to defy the authorities and invite martyrdom to some degree. The General Court tried more than one case against Quakers, but unfortunately the record of the trials has not survived.[24]

The York County Court too received orders from Governor Berkeley to enforce the law to its full extent. The justices were instructed to read the 1661 Proclamation of Charles II granting pardon to past offenders but warning them that a repetition of the offense would be severely punished. After the proclamation had been read, all women who should attend Quaker meetings and publicly declare their "schismatical

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23. Berkeley to Conquest, August 8, 1660, in William and Mary College Quarterly, First Series, II, 178.

24. The Robinson notes on the Council and General Court Records, made before they were destroyed in 1865, refer to p. 81 in the volume 1660-64 for "the whole proceedings against the Quakers at a General Court held at James City April 4, 1662." Virginia Magazine, XIV, 196.

and heretical doctrines and opinions" should be given the oaths of allegiance and supremacy by the nearest magistrate, and when they refused to take the oaths, they should be led away to prison and held for later trial in Jamestown.[25] Under this order Mrs. Mary Chisman, wife of Edmund Chisman, prominent York County planter, was reported to have been seen attending one of the secret meetings in the forest accompanied by several slaves. The court ordered her husband to keep his negroes and the members of his family away from the meetings, and warned Mrs. Chisman that arrest would follow a repetition of the offense.[26]

But the Quakers were thriving under persecution. A new Act of the General Assembly March, 1662/3, referred to the rapid growth and bolder activities of these dissenters and insisted upon a more strict enforcement of the laws against them. It provided heavier fines for attending their secret meetings and for absence from the services of the Established

25. Lyon G. Tyler, "Major Edmund Chisman, Jr.," William and Mary Quarterly, First Series, I, 89-98.

26. York County Records, vol. 1657-62, p. 324, in Virginia State Library.

Church.[27] In September, 1663, the Quakers in Nansemond County received special attention from the Burgesses, who ordered that they be fined for missing church services and for not being "lawfully married,"[28] that is, by an Anglican minister. The latter form of persecution was particularly annoying when it was applied to the more prominent Quakers, after heavy fines had failed to bring them into line.[29]

But in spite of the amount of attention given the Quakers by the local magistrates, punishments were seldom severe. Two of the more fanatical women missionaries, Mary Tompkins and Alice Ambrose, in testifying to their "good service for the Lord" in Virginia and their "large" sufferings there, reported unusual cruelty in the pillory and severe floggings,[30] but they were old offenders and their punishment was exceptional. It is highly probable that the Quaker

27. Hening, Statutes, II, 181-83.

28. Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia 1659/60-1693 (Richmond, 1914), entry for September 10, 1663, p. 28.

29. See Bruce, Institutional History, I, 242-43, for the example of John Pleasants of Henrico County, who had the whole book thrown at him.

30. Neill, Virginia Carolorum, p. 329.

persecution was just severe enough to stimulate public interest in their activities and doctrines and to color their missionary work with the dramatic touch of martyrdom. It was certainly not harsh enough to suppress them. As has so often happened with persecuted minorities, their period of greatest growth coincided with the years of their most persistent persecution.

Berkeley had no specific orders from England to direct his policy in this regard. He was governed by the local attitudes in Virginia and applied the general principles of conformity as they were needed in the colony, where the circumstances differed slightly from those in England. By bringing the chief offenders to Jamestown for trial he only publicized their doctrines and dramatized their punishment. It is one of the ironies of history that while he was credited with being their most implacable enemy, he probably did more than any other person in Virginia to stimulate the growth of the sect. After the Toleration Act of 1689 they were permitted to avoid military service by paying a fine; the taking of an oath, by mere affirmation; and the government

no longer interfered with their meetings. Within ten years after their persecution ended, their numbers had dropped to three or four congregations,[31] and they had almost disappeared from the public interest.

31. Henry Hartwell, James Blair and Edward Chilton, The Present State of Virginia and the College, 1697-8 (London, 1727), Section XI, p. 64.

CHAPTER V

DEFENSE

> To the end the country may be better served against all Hostil Invasions it is requisite that all persons from the age of 16 to 60 be armed with arms, both offensive and defensive ....
>
> And for that Arms without Knowledge of the use of them are of no effect wee ordain that there be one Muster Master Generall, appointed by us for the Colony, who shall 4 times in the year and oftener (if cause be) not only view the arms, ammunition and furniture of every Person in the Colony, but also train and exercise the people, touching the use and order of arms and shall also certify the defects if any be either of apnearance or otherwise to you the Governor and Councill ....
>
> That you cause likewise 10 Guarders to be maintained for the Port at Point Comfort. And that you take course that ye Captn of ye said Port have a competent allowance for his services there. Also that the said ffort be well kept in Reparation and provided with ammunition.
>
> Instructions, 1642

For defense against European invasion, domestic insurrection and Indian raids, Virginia depended upon her militia, for there were no regulars in the colony until the time of Bacon's rebellion. Every free white man of legal age was a member of his local militia

unit. Usually he received no salary or other compensation if the colony was engaged in a general war;[1] but from time to time there were special arrangements for certain compensations for disability, exposure to danger and loss of time from crops.[2]

In emergencies the Governor and Council sat as a Council of War; the Governor was Commander-in-chief, and by the end of the century it was customary to make Council members commanders in the counties. When Sir William came to Virginia, there was a commander for each county who kept military lists, had custody of the powder supply and appointed the subordinate officers with the governor's approval. He received an annual salary of 6000 pounds of tobacco.[3] After the Restoration the colony was divided into four military districts; the one around Jamestown was under the direct control of the governor, and each of the other three was commanded by a major-general,

1. After 1686, when the Burgesses reorganized the militia on the English model, regular salaries and compensations were paid to men on active duty.

2. An excellent brief analysis of the military system for the century may be found in Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century (New York, 1910), II, 3-226.

3. William W. Hening, The Statutes at Large (Richmond, 1809), I, 277, 294.

assisted by two adjutants. In each county there was a regiment of foot commanded by a colonel, with the usual subordinate officers, and in most of them a troop of horse commanded by a captain.[4]

The King considered the Muster Master General such an important officer that he made that appointment himself. Captain John West, for example, received his appointment at the same time that Sir William's was made.[5] There was a general muster for each county once a year with special musters for each troop and company in the county at least four times during the interval.[6] Each county set the dates for its musters, probably so that the Muster Master General might be present at most of them. According to the King's instructions, there was formal drill with the British manual of arms. Competent teachers of the formal manual were not lacking in Berkeley's time, for there were plenty of European soldiers in the colony. But the commanders and

4. Ludwell to Arlington, [September] 17, 1666, Virginia Magazine of History and Biography, V, 54-59.

5. Instructions to Governor Berkeley, 1642, Virginia Magazine, II, 281-88.

6. Robert Beverley, History of Virginia (Richmond, 1855), p. 217.

other officers were practical men who were training the militia chiefly for Indian fighting, and it is probable that they used the manual of arms to teach discipline. The important thing was to have the militia ready for immediate service, since any foreign invasion would come as a surprise, and the Indian depredations were sneak attacks. Most of the men were hunters, especially those near the frontier, and already knew how to shoot, ride and get through the forests; they were hardened to outdoor life and knew how to survive on the marches. All evidence points to the conclusion that Berkeley, in common with other governors of the period, followed royal instructions in broad outline and developed an effective militia for service under Virginia conditions with practical training. In answer to the question about the number of troops available and the nature of their training, he replied in 1671:

> All our freemen are bound to be trained every month in their particular counties, which we suppose, and do not much mistake in the calculation, are near eight thousand horse: there are more, but it is too chargeable for poor people, as wee are, to exercise them.[7]

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7. Berkeley's Report on Virginia, 1671, in Hening, Statutes, II, 512.

In 1672 Sir Henry Chichley reported:

> We have now raised 20 Regiments of foote, and as many troops of horse, without making use of any of our slaves or fewe of our English servants, but such as are almost ffree, yet have not armes for every tenth man.[8]

The colony always experienced the greatest difficulty in supplying the militia with arms and ammunition. In time of war the General Assembly resorted to various practical devices for securing greater quantities of powder and shot than the public levy could supply. They ordered the commanders to buy it with the fines collected by the county courts or with the public tobacco in the hands of the sheriffs, or they commandeered private stores after careful assessment, promising prompt payment to the owners.[9] Of course there were constant requests that the King supply additional quantities, but the only large amount received from England came with the regular troops in 1676.

During the Indian war following the massacre of 1644, the Virginians were able to supply their needs. But when the Dutch War called for a strengthening of

8. Sir Henry Chichley to Sir Thomas Chichley, July 16, 1672, Virginia Magazine, XX, 129-31.

9. Hening, Statutes, I, 297, 304. See Bruce, Institutional History, II, 50-55, for many examples from county records.

the defenses on the east coast, Berkeley experienced great difficulty in getting supplies. In August, 1665, he wrote the King that he had listed every man fit to bear arms and that they were ready "on the first Al'Arme"; that he had "manned" the merchant ships in the harbors with small shot but needed great arms for the forts; however, he was not asking His Majesty for those "at this time of exigency" but would supply them as best he could from the merchant ships.[10] A year later he was still in need of ammunition of all sorts, and the people of Virginia were slow in responding to his attempts to prepare for a Dutch attack. He wrote an explanation of their attitude to Arlington:

> We live after the simplicity of the past age; indeed unless danger of our country gave our fears tongues and language we should shortly forget all sounds that did not concern business and necessities of our farms. As we are farther out of danger so we approach nearer to Heaven with our prayers that his sacred Majesty's enemies may either drink the sea or lick the dust.[11]

The following year, after four Dutch warships had demonstrated the inadequacy of the defenses, he

10. Berkeley to the King, August 1, 1665, in William N. Sainsbury, ed., Calendar of State Papers, Colonial Series (London, 1860), V, 313.

11. Berkeley to Arlington, May 1, 1666, in Calendar of State Papers, V, 380.

again asked Arlington for powder and great shot, and suggested that no ship be permitted to leave for Virginia without bringing ten or twenty barrels of powder, promising to pay fifty percent more than it cost in England.[12] At the same time Secretary Ludwell wrote to Lord John Berkeley:

> ... I shall now inform your Lordship that though we were indifferently well furnished with ammunition to defend the Country yet some of that perished by the Storm there being few houses tite against it and being to defend these forts when built it were necessary that we had greater quantity brought us and fearing lest the King's displeasure may take from us all hopes of any future assistance from him I do most humbly beseech your honour on the country's behalf that you will be pleased to make a M[illegible]tion to His Majesty in Council that no ship be permitted to come but on Condition that they bring us amongst them 60 or 70 barrels of powder and as many rundletts of shot and 5 or 6 hundred Culverings Demiculvers Sacre and nimion Shot to be paid for here this is necessary if the war continue ... .[13]

In 1670 Berkeley bought a quantity of powder and shot valued at £151 sterling, for which he paid at once £75, 17s. As he probably expected, the Assembly

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12. Berkeley to [Arlington], November 11, 1667, Virginia Magazine, XIX, 254.

13. Thomas Ludwell to Lord Berkeley of Stratton, November 4, 1667, Virginia Magazine, XIX, 252-53.

reimbursed him later.[14] Two years thereafter, when the Dutch war was renewed, the Governor and Council sent in the usual petition for military supplies with a cover letter from Sir Henry Chichley to his brother, Sir Thomas Chichley, one of the masters of the ordnance, in the hope that Sir Thomas might be willing to help supply them. Sir Henry painted a pathetic picture of Virginia's plight:

> ... and indeade I may truly say there is noe Country under his Ma'ties dominion, in soe poore a condition for Defence as Virginia for want of both armes and ammunition of all sorts, which through our present poverty, we are not able to provide for ourselves.
>
> [If we do not get the supplies from the King, we] must be forced to fly to our mountains for our security, and leave this Country and our estates a prey to the invadors. I think it cannot be denyed, but that Virginia doth yearely rayse a greater revenue to the Crowne by our Customes than any one plantation under his Ma'ties dominions, therefore I hope we may most justly implore his Princely Patronage and hope to obtaine a suffitient supply of all sorts of armes, and ammunition ffitting for our defence and safegarde, as well as either Barbadoes or other his Ma'ties Plantations, who as we are informed were well ffurnished from the Magazines there last yeare, and sent them over at his Ma'ties charge though they are twenty times more able then we to furnish themselves.[15]

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14. Bruce, Institutional History, II, 37.

15. Sir Henry Chichley to Sir Thomas Chichley, July 16, 1672, Virginia Magazine, XX, 129-31.

But no supplies were sent. The next year the Governor, Council and General Assembly wrote again to Sir Thomas Chichley requesting fifty pieces of ordnance, 1000 muskets, as many horse arms, and forty barrels of powder; and Sir William explained to the Committee for Trade and Plantations that after an unusually hard winter the colony was in extreme need of ammunition and had no way of getting it unless the Committee would intercede with the King for a "small quantity."[16] By the end of the year the war was over, and Virginia had defended herself against a fleet of Dutch warships without ever receiving the supplies so often requested.

The fort at Point Comfort, which Berkeley was instructed to maintain, had fallen into decay. The Point commanded the narrowest channel of the James River and had been traditionally considered the best location for a fort to protect the east coast against attack from the sea. Twelve years before, the old stockade had been rebuilt at great expense and trouble for a permanent fortification; it had been difficult

16. Governor, Council and Assembly to Sir Thomas Chichley, [n. d. Indorsed: Read in Council October 3, 1673], Virginia Magazine, XX, 235; Berkeley to Committee for Trade and Plantations, March 25, 1673, Virginia Magazine, XX, 131-32.

to keep it garrisoned because of the sparseness of settlement in that area. When Sir William arrived, its commander, Captain Richard Moryson, had recently gone to England for medicines to restore his health ruined by the climate at the Point. His salary, which the Governor had been instructed to provide, was paid from a general tax plus special grants of the Assembly from time to time. The vaguely expected attack by the Spanish did not materialize, and England was not formally at war with any European power; consequently nothing was done about the fort during Berkeley's first administration.[17]

When he returned to office in 1660, Captain Moryson's brother, Francis, became commander of the fort, entitled to castle duties of one-half pound of powder and three pounds of shot per ton of the ship's cargo and six pence per hogshead export tax.[18] The fort was now little more than a storage house and quite incapable of resisting an enemy fleet. The Virginians recognized its inadequacy, and when news of the Dutch War came in 1665, the Governor and Council

17. For a short history of this fort after 1630, see Bruce, Institutional History, II, 135-40.

18. Hening, Statutes, II, 134-35.

ordered all ordnance and supplies moved to Jamestown[19] and the General Assembly authorized the Governor to build a fort there.[20] But the English authorities did not approve this substitution and instructed Berkeley to restore the fortification at Point Comfort. He and the Council protested this decision, saying they knew not "by what misinformation" they had been ordered to rebuild it in a place "useless as to any Certaintie of defence and insupporteable in the charges of it," but the royal command was so positive they dared not disobey, although they knew that the entrance into the James was so large that any ship might ride out of all possible danger of the greatest cannon in the world.[21] Secretary Ludwell, too, protested. After pointing out the evils of the more exposed location and the advantages of Jamestown's, he expressed a hearty wish that the Governor and Council, who must necessarily have the greatest experience of what was most advantageous for the country, might have something referred to their

19. A Decision of the General Court June 21, 1665, Virginia Magazine, V, 22.

20. Hening, Statutes, II, 220.

21. Governor and Council to Arlington, July 13, 1666, Virginia Magazine, XXI, 33-35.

judgment.[22] The colonial protests made no impression in England, and the work of rebuilding was begun.

By June, 1667, it was estimated that 70,000 pounds of tobacco had already been spent on the project and that twice that amount in addition would be needed to finish the work.[23] Sir William, supported by the Council and Burgesses, continued to protest the decision of the Crown. They argued that the fort at Point Comfort would require too much money to keep in condition even if it were ever rebuilt; that it was difficult to secure guards in that area; that a hostile ship with a favorable wind could pass it without taking more than a shot or two and then prey upon the merchantmen in the upper waters of the James and in other rivers without interference. Instead, they decided on a fort on each of the rivers, to be built by the counties served by each fort.[24]

This argument is a bit suspect. The personal

22. Ludwell to Arlington, July 18, 1666, Virginia Magazine, XIX, 33.

23. Ludwell to Arlington, February 12, 1666/7, Calendar of State Papers, V, 446.

24. Ludwell to Lord John Berkeley, June 24, 1667, and November 4, 1667, in Calendar of State Papers, V, 475, and Virginia Magazine, XIX, 250-54; Berkeley to Arlington, November 11, 1667, Virginia Magazine, XIX, 254; Hening, Statutes, II, 51.

interests of the Governor and Council would be best served by a fort at Jamestown, where their property was located. As commander of the fort there, Sir William found a special interest in the castle duties. Since he requested a recall at this time,[25] he must have been seriously affected by the continued opposition to the colonial plans.

Amid the conflict of plans, the work on the five new forts proceeded. After three years they were already dilapidated. Sir William explained that the chief trouble was the absence of an engineer with enough skill to direct the construction, and therefore, frequent restorations were necessary.[26] The program was opposed by the merchants trading in Virginia, who wanted the one at Point Comfort kept up.[27] It was their vessels and their cargoes which were destroyed in the Dutch Wars. Possibly their influence at court was responsible for the King's insistence.

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25. Mentioned by Ludwell in letter of June 24.

26. Berkeley's 1671 Report on Virginia, Hening, Statutes, II. 513. For some of the details of their construction see P. H. Drewry, "Fort Henry," William and Mary Quarterly, Second Series, III, 1-22; and Carlton B. Brodbeck, The Forts of Seventeenth Century Virginia, Master's Thesis, University of Virginia, 1942.

27. Ludwell to Lord John Berkeley, November 4, 1667, Virginia Magazine, XIX, 253.

Of course the construction of five small forts, even makeshift affairs, entailed greater expense on the counties than the one at Point Comfort would have done. One of the most frequent complaints received by the Commissioners in 1676 was the burden of the forts. But the Commissioners, strangely enough, agreed with the General Assembly on the impracticability of the maintenance of a single fort in the harbor. The King and his Committee for Trade and Plantations never abandoned their position, and the Virginia officials stood firm in their opposition to it. Modern military opinion supports the King in that Point Comfort is considered one of the best strategic points for fortification on the Atlantic coast. But the Virginians were more correct in judging the effectiveness of the guns of the day; it was not until two centuries later, after the introduction of rifled cannon, that they could fire accurately at a target a mile or more away.

For further protection of shipping in time of war, Berkeley favored the use of a convoy for merchant fleets and guardships stationed in the Hampton Roads harbor - a more practical and less expensive

expedient than the fort.[28] During his administrations, England sent only one guardship to Virginia waters, the frigate Elizabeth. Fortunately the King agreed with him on the importance of convoys and ordered their use all during the Dutch war.[29]

Berkeley's theories were twice tested by the Dutch in the only two instances of enemy ships in Virginia waters during the century. When the news reached Virginia in 1665 that England was at war with Holland, Sir William called up 1500 dragoons and 2500 foot soldiers and put them in readiness to march at the first alarm. He ordered the merchant ships to anchor opposite Jamestown and the other river forts, where the defenses were being strengthened by temporary platforms to support batteries and by entrenchments for musketeers. The guns of the ships themselves would give added protection to each fort.[30] Though the expected attack did not come that year, the Virginians

28. Berkeley to Arlington, May 1, 1666, Virginia Magazine, XIX, 29; Governor and Council to Arlington, July 13, 1666, Ibid., XXI, 33-35; Governor and Council to King and Privy Council, July 16, 1673, Ibid., XX, 134-39; Berkeley to Richard Nicholls, July 30, 1666, Huntington Mss., microfilm copy Alderman Library.

29. King to Berkeley, November 15, 1666, and March 10, 1672, Virginia Magazine, XIV, 278-79; XIX, 35; Calendar of State Papers, VII, 342.

30. Berkeley to King, August 1, 1665, and to Arlington, August 1, 1665, in Calendar of State Papers, V, 316.

continued to make preparations for it. Shipping continued, however, and the next spring Berkeley marshalled the twenty-six merchantmen then leaving Virginia into a squadron, hoping they might be met by a convoy on the coast of Ireland, for they would not be able to encounter three well-prepared men-of-war.[31]

The expected emergency arose on June 5, 1667, when four Dutch men-of-war suddenly appeared in Hampton Roads. They first burned the guardship Elizabeth, which fired only one shot, but her crew saved most of the guns.[32] The Dutch then captured, one at a time, the twenty merchantmen in the James. Berkeley, busy organizing the defense of Jamestown, sent Ludwell to the York with orders to the merchantmen there to combine their strength and make a counter-attack. But the captains were in a state of panic and refused to go to the assistance of those in the James.

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31. Berkeley to Arlington, May 1, 1666, Virginia Magazine, XX, 29.

32. This disaster might have been avoided if Captain Lightfoot had not gone ashore to a wedding "with a wench he took over from England."--Affidavit of the Merchant of the Handmaid [ca. August, 1667] in Virginia Magazine, XIX, 247. But the frigate was in a dilapidated condition and could not leave her anchorage; once struck by the Dutch fireship, she could not defend herself, much less go to the aid of another ship.

Berkeley himself then went to the York and took command of the fleet from on board the flagship Admirall, with five Council members and Captain Lightfoot from the Elizabeth. It is estimated that he had nine vessels and about 1000 men after he had added all the seamen and ordnance he could gather on shore. In spite of the whole weight of his influence and invective and the urgency of the moment, the captains delayed (Ludwell said because of cowardice) even after Sir William promised them indemnity for ships or cargoes lost and the contents of any Dutch ship that might be taken. The expedition arrived in the James too late; the Dutch had disappeared with thirteen prizes and had burned five or six others.[33]

When England again went to war with Holland in 1672, the Governor and Council were instructed to prepare Virginia for a possible Dutch attack similar to the one in 1667. Again Berkeley threw his whole energy into the preparations. The Council testified:

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33. Representation of the Governor and Council to the King and Privy Council, [June], 1667, Virginia Magazine, IV, 240-45; Ludwell to [Arlington] June 24, 1667, Ibid., IV, 230-36; Ludwell to Lord John Berkeley, June 24, 1667, Ibid., 237-40; Ludwell to Lord John Berkeley, November 4, 1667, Ibid., XIX, 250-54.

> Then for his behavio'r in this last Conjuncture Wee do assure yo'r Ma'tie and yo'r most Hon'ble Council that it was wonderfelly beyond what could be expected from a man of his age for he exposed his p'son to the greatest Danger of the Enemy by night and Day on the water and on the land Visiting the remoter parts, and with his pr'sence encouraging every one to doe well in their places, and at the same time takeing Care for the heart of the Countrey in soe much as he scarce eat or sleept to the hazard of his health nor did he Leave any part of A Prudent Governo'r or valliant Generall unp'formed but shewd very great Vigour and Conduct on all Occasions where he saw it necessary nor could he be blamed unlesse it were for exposing his p'son too much, and some of us who liveing neere him are most conversant with him, Doe assure yo'r Ma'tie and most Hon'ble Councell that he spends most of his time and Thoughts in the Contemplation of yo'r Ma'ties Interests and in Contriving which way (on all Occations offered) he may be most Serviceable to your Ma'tie.[34]

On Friday, July 11, 1673, eight Dutch warships and a fireship appeared on the coast and the following day anchored in Lynnhaven Bay. A large fleet of about forty merchantmen was in the Virginia rivers, guarded by two frigates in the harbor, waiting to escort them to England on the 15th. Sentinels on the coast discovered the Dutch immediately and gave the Virginians a day to prepare a defense. Several of the abler merchantmen were strengthened with additional guns and sailors, borrowed from the weaker vessels and pressed

34. Council of Virginia to King and Privy Council, [n. d., endorsed Rec'd October 11, 1673, read Nov. 7], Virginia Magazine, XX, 256-37.

into service. Suddenly eight merchant ships from Maryland sailed into the bay, ignorant of the presence of the enemy. The two guardships and six of the Virginia merchantmen went out to engage the Dutch to save the Maryland fleet. Four went aground immediately, one hung back and finally retreated to safety in the river, and the sixth was grounded during the fight; consequently, the two frigates carried the battle alone for three hours, until nightfall brought it to an end. The other merchantmen meanwhile had taken cover under the guns of the fort at Nansemond or retreated up the river to the fort at Jamestown; five of these went aground before reaching either of the forts and were taken by the Dutch, bringing the total losses to nine. But the Maryland fleet and the greater part of the Virginia fleet were saved by the gallantry of the two British commanders, especially Captain Gardner, and by the river forts. The Dutch retired without making a landing.

The Governor and the Council, in making a detailed report to the King, anticipated criticism for the loss of the ships and goods; therefore, they determined to "sett forth in this our Declaracon, the true state and Condicon of this Country in Generall and our p'ticular

disadvantages and disabilities to entertaine A Warr at the time of this Invasion." Their chief difficulty had been in raising an adequate militia. At this season of the year the farmers were most needed at their work in corn and tobacco fields, and of the freemen available for militia service, about one-third were debtors or so poor that they would desert to the enemy if enough plunder were promised them. Those in active service had to worry about the greater number of indentured servants left behind. However, in spite of the difficulties, the militia was "so ready in Every place that the Enemy descended not on the Land though they wanted water to great Extremity." The planters had shared the loss of goods with the merchants, and had generously given the merchantmen every possible assistance in spite of the fact that:

> In these times of warr, the merchant gives our Inhabitants soe very little for their labour as will not cloath them and their Families, which soe disafects them as they rather rejoyce at their losse, then show any desire to defend them.

Though the colony had done everything possible to defend the ships, they expected complaints from the merchants "for not haveing a Fort at Point Comfort," and the old arguments against the fort and in favor of a

convoy system were reiterated.[35]

The apprehensions about the loyalty of the servants were based on the memory of the abortive rebellion of 1663. A group of about nine indentured servants in Gloucester County had held a secret meeting on Sunday night, September 6, at Peter Knight's "little house in the woods" and planned an insurrection for the following Sunday. Some of the conspirators were to break into the house of Colonel Francis Willis, a Councillor, and secure arms and ammunition which they would bring to the secret rendezvous at the "poplar spring." They would then march from house to house, recruiting other servants and arms as they progressed, until they reached Governor Berkeley at Green Spring. There they would demand their freedom, and if he refused to grant it, they planned to "march out of the country," killing anyone who resisted them. They took a solemn oath of secrecy, and "resolved to be ye death" of anyone who should reveal their plans. Fortunately for the safety of the colony, on the night before their plans were to go into effect, one of the conspirators, Berkenhead, revealed the plot to his master, who re-

35. Governor and Council of Virginia to King and Privy Council, [July 16, 1672], Virginia Magazine, XX, 134-40.

ported it to Berkeley. The Governor immediately sent a group of militia secretly to the poplar spring, where they waited for the leaders, apprehended about ten of them and brought them to trial. Four of the leaders were hanged, Berkenhead was regarded with his freedom and 5000 pounds of tobacco, his master was reimbursed for the loss of his services, and September 13 was appointed an annual holiday in thanksgiving to Almighty God "for soe miraculous a preservation."[36]

The testimony of the captured conspirators showed that the plot had been brewing for a month, but it was poorly organized, its aims were vague, and its leadership was somewhat divided. And though it was revealed in time, its implications frightened the colony into making an effort to prevent a similar occurence in the future. Some attributed it to "certain Cromwellian soldiers who had been sent out to Virginia as servants,"[37] but most Virginians blamed the large number of felons transported in the past few years. Upon the request of

36. Depositions of seven of the conspirators in Virginia Magazine, XV, 38-43; Hening, Statutes, II, 191, 204; Journal of the House of Burgesses, 1659/60-1693, pp. 27-29.

37. Charles Campbell, History of the Colony and Ancient Dominion of Virginia (Philadelphia, 1860), p.263.

planters in York, Gloucester and Middlesex counties, the Assembly therefore prohibited the importation of "any jail birds" after January 20, 1670/1. The order was confirmed by the Privy Council, and Secretary Ludwell expressed the colony's gratitude to Arlington, for, he said, the Virginians felt that their safety depended upon this safeguard, since so many "insolent villianies" had been committed by men of this sort, and greater numbers would hazard the peace of the country.[38]

Threats of foreign invasion or domestic insurrection were unusual, but the danger of Indian attack was constant. "From the foundation of the earliest settlement to the last hour of the seventeenth century, the gleam of the Indian tomahawk, the flash of the Indian scalping knife, and the red flame of the Indian torch, were ever casting a shadow across the hearts of some section of the people of the Colony."[39] After the massacre of 1622, however, only the frontiers were seriously endangered.

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38. Order of the General Court, April 20, 1670, Calendar of State Papers, VII, 63; Ludwell to Arlington, April 29, 1670, Virginia Magazine, XIX, 353-56; Ludwell to Arlington, July 17, 1671, Calendar of State Papers, VII, 242.

39. Bruce, Institutional History, II, 71.

Sir William had been in this country only two years when on Good Friday, April 18, 1644, Opechancanough organized and executed a second general massacre. Berkeley had ordered a special fast day to pray for King Charles; it became a day of mourning. Opechancanough wanted to redeem his failure of 1622 and get revenge for the subsequent war against his confederacy. Furthermore, the whites were steadily encroaching upon Indian lands. Beverley says that he chose this time because he had heard about the Civil War in England and hoped to find the Virginia colonists "uneasy and disunited among themselves."[40] Small groups of Indians attacked the settlers' houses at dawn, beating out the brains of the first person who opened the door, then slaying the other residents and burning the building with the dead and wounded inside.[41] The massacre fell heaviest on the frontiers, on the south side of the James and heads of the other rivers, especially the York, where Opechancanough's headquarters were located. About five hundred settlers were killed.

Berkeley immediately organized retaliatory expeditions against the Indians, and on several occasions took

40. Beverley, Virginia, p. 48.

41. Edward D. Neill, Virginia Carolorum (Albany, 1886), p. 179.

command in person. As in the war following the massacre of 1622, the Virginians marched against the Indian villages, which the savages deserted at the white men's approach and fled into the woods. The colonists knew the futility of trying to fight them there; instead, they burned their villages and in the middle of the summer cut down their corn, when it was too late for them to plant another crop.

As a protection for the exposed frontier plantations, an executive order placed the families together in fortified camps manned by enough well-armed citizens to withstand a sudden attack. Then Sir William hurried off to England in the summer in order to appear at Court as Virginia's agent to protest against the rechartering of the Virginia Company. The entry for Wednesday, September 11, 1644, in a court newspaper was devoted to a recognition of his presence there:

> We are credibly informed that the Governour of Virginia, is now with his Majesty and has related the desperate condition the poore Christians are in there, how the Barbarous Moores encrease much in number and Hellish resolution, that many poore Christians have bin sacraficed by them, not sparing the Infant that tipples at the Dugg, and unlesse speedy ayde befriend them (which must be

> expected from the Neighbouring Christian Countries from our owne dangers are so great it is our greife we cannot helpe them) a generall distraction will fall upon them and that soyle (made fruitfull by the care and industry of the English) will become the spoyle of these that carry the emblem of Hell and Night about them.[42]

While he was absent from Virginia the General Assembly, which met in October, put the colony on a general war basis, arranged a public levy to defray expenses of two large expeditions against the Pamunkey and the Chickahominy, and set up a system for local responsibility for its citizens who had been disabled and their property destroyed.[43] Recognizing some of the inconveniences of the Governor's last order, the Assembly permitted all the persons "soe reduced and placed" to "remove and dispose themselves for their best advantage and convenience," provided they were protected by "ten sufficient men at the least, and arms and ammunition accordingly," and had secured the approval of their lieutenant.[44] Berkeley's order had been an emergency measure which was effective, but it had not

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42. The Court Mercurie, No. 10 (Saturday, 7 September to Saturday, 14 September 1644) in McGregor Library, U. Va.

43. Hening, Statutes, I, 285, 287, 288.

44. Ibid., I, 285-86.

considered the personal preferences of the individual families.

The following spring the Governor was still absent, and the Assembly continued to make arrangements for total war. They withdrew the councillors' exemption from active service and taxation because this was a "defensive warr wherein those of the Council are ... equally engaged with the rest of the collony." They continued the "constant" marches against the Indians, apportioning their territory among the counties.[45] And they tackled the problem of a more permanent frontier defense. A system of forts was to be built along the fall line of the rivers: Fort Royal on the Pamunkey, Fort Charles on the James, and Fort James on the Chickahominy. Each fort was to have a commander, chosen by the Governor and Council, with a salary of 6000 pounds of tobacco, and the necessary subordinate officers to be chosen by the commander with the approval of the Governor. In case of war the commander was to leave a "sufficient strength at each ffort," and if the available troops should be inadequate, the Governor and Council should have power to raise additional men, horses, arms, ammunition and provisions

45. Ibid., I, 292-93, 307.

and to secure the services of "some Indians either of Ackomack or Rappahannock ... for the further discovery of the enemie."[46]

Sir William had returned for the November session, which attempted to exert further control over the frontiers, where "careless straggling" exposed many persons to Indian slaughter. The Assembly, therefore, empowered the lieutenants to "restrain" all such persons from hunting in the woods without sufficient force for their protection.[47]

The spring session of 1646 made arrangements for building a fourth frontier fort at the falls of the Appomattox, Fort Henry, for the defense of the inhabitants of the south side of the James, to prevent "the great reliefe and subsistance of the Salvages by ffishing" in the Appomattox, for cutting down their corn, or "performing any other service upon them." The fort was to be staffed by forty-five soldiers from the militia of Henrico, Charles City, James City and Isle of Wight, and the expenses were to be paid from a levy in each of the counties served. Further

46. Ibid., I, 293-94.

47. Ibid., I, 300-301.

marches against the Indians from this area were to be financed in the same way.[48]

All these preparations for a continuing war against the Indians might have lasted for many years if Sir William had not captured Opechancanough. Having received information that the aged chief was at some distance from his usual habitation, the Governor made a speedy foray with a party of horsemen, surprised and captured him, and brought him to Jamestown. He planned to take him to England and present him to King Charles as a war trophy and as an exhibit of the healthiness and long life of the American natives, but one of the soldiers shot him in the back.[49] Deprived of his able leadership, the Indians were willing to make peace. The General Assembly, having weighed the great expense in prosecuting the war and the "almost impossibility" of a further revenge upon the Indians, "they being dispersed and driven from their townes and habitations, lurking up & downe the woods in small numbers," decided that an honorable peace would "conduce to

48. Ibid., I, 315.

49. Beverley, History, pp. 49-50.

the better being and comoditie of the country." Captain Henry Fleet, Indian trader and interpreter, the best authority on Indian affairs, was authorized to conduct the negotiations.[50]

Peace was made and validated by the General Assembly in October, 1646. Opechancanough's successor, Necotowance, acknowledged the King of England as his overlord and renounced title to the land between the James and York below the falls. In return the General Assembly on behalf of the colony agreed to protect him against his Indian enemies and to guarantee to his tribe, unmolested, the hunting grounds north of the York. Necotowance and his successors were to pay tribute to the Governor for the King "20 beaver skins att the goeing of the Geese yearely." No Indian was to enter white territory except as a messenger from Necotowance to the Governor; the messenger was to wear as a badge a striped coat, which he was to secure from the commander of one of the forts. No Englishman was to cross the York to the north side without the Governor's license and the permission of Necotowance. The penalty for the Indian trespasser was death;

50. Hening, Statutes, I, 317-18.

for the white, prosecution as a felon.[51]

It will be seen from the foregoing details that Berkeley's policy for Indian defense had several new developments, worked out in collaboration with the Assembly to meet the requirements of the frontiers with the least possible expense and in the most practical way. In an emergency he first followed the old plan of marches, designed to drive the Indians farther into the wilderness with fire and famine, but not to hunt them down and exterminate them. The latter course was not practical because of insufficient armed forces and the impossibility of finding them in the forests. For a more permanent protection of the frontiers the string of crude forts along the fall line was to serve as observation centers for constant watch for hostile movements and the small armed force stationed at each fort was to act as a nucleus for an immediate march in an emergency. The Peace of 1646 attempted to make a permanent settlement of the chief differences between the two races. It was the first instance of setting aside a reservation for the Indian's use and assuming some responsibility for his protection. The idea was to

51. Ibid., I, 323-26.

surround the back country with a buffer area of friendly Virginia Indians against possible invasion by "foreign" tribes. Though the United States, like colonial Virginia, never succeeded in settling its Indian problem, the policy adopted by Berkeley in the decade of the 'forties was followed later in broad outline in the American conquest of the continent.

In the light of "Manifest Destiny" of course the reservation program failed. For three years Sir William held the line of westward expansion at the York and Rappahannock. But this was the decade of the colony's most rapid growth, and by October of 1648 the Burgesses reported to the Governor and Council that "a very considerable number" of inhabitants were making "great and clamorous complaint" of the "mean produce of their labours upon barren and over-wrought grounds and the apparent decay of their cattle and hoggs for want of sufficient range," and they unanimously requested that the territory to the north of the Charles and Rappahannock rivers be opened to settlement. The Governor and Council resisted, but finally "upon debate of the matter did condescend to the substance of their desires," though with the proviso that actual settlement be

postponed a year "for reasons of state to them appearing importing the safety of the people in their seating." During the year's interval surveys could be made, but there would be no hunting without the Governor's license.[52] Against his better judgment, Sir William yielded to the pressure of insatiable land hunger, the dominant trait of the American frontiersman. But he preserved the belt of tributary Indians along the frontiers. In the spring of 1648 Necotowance came to Jamestown with five other petty kings attending him to bring Berkeley the annual tribute of twenty beaver skins. After a long oration, he concluded with this protestation:

> That the Sunne and Moon should first lose their glorious lights and shining, before He, or his People should evermore hereafter wrong the English in any kind, but they would ever hold love and friendship together.[53]

In 1650 Sir William wrote a letter to the Commissioners of Northampton County relative to the "Laughinge Kinges Indyans" of Northampton, who were friendly to the English and useful for keeping neutral Indians friendly. He instructed them, for the

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52. Ibid., 353-54.

53. A Perfect Description of Virginia (London, 1649), p. 13, in Force, Tracts, II, No. 8.

peace and safety of the country, not to deprive these Indians of their lands.[54]

When Berkeley surrendered Virginia to Parliament in 1652, his reputation and popularity were based largely on his effective Indian policy. Fifteen years later Secretary Ludwell, in filling a request for a description of the government of Virginia, included in his description of the governor this testimonial to his first administration:

> ... he is a person pious and exemplarily sober in his conversation prudent and just in Peace, dilligent and valliant in Warr. ... and for his dilligence and Vallor ye frequent and greate hazards he exposed his person to ye conquest of Opechancanough, and all his Indians (whereby hee first secured this Country from those feares that had possessed them from their first seating and rendered the Indians soe subjected to this Govern^{mt}) that I may confidently affirm ye like conquest hath been made by noe other English Govern^{mt} in ye West Indies, would have proclaimed his Military Virtues and have given him a very great reputation for that service had it not hap'ned in an unfortunate time when the whole English nation was involved in a Civill Warr, and consequently had all their Reflections diverted from what he did here to what most, and more nearly concerned them there.[55]

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54. Berkeley to Commissioners of Northampton, May 9, 1650, in William and Mary Quarterly, First Series, V, 82-83.

55. Ludwell to Arlington, [September 17, 1666], Virginia Magazine, V, 54-59.

During the Restoration, Virginia's Indian problem was complicated by the rapid expansion of all of British America and the consequent pressure of the Indians all along the western frontiers from New England to the Carolinas. Those friendly to the English were in conflict with other tribes which were struggling among themselves and against the whites for control of hunting grounds. Sir William, satisfied with the policy worked out in his first administration, continued to collaborate with his tributary Indians for protection against their common enemies. He never succeeded in winning the Doegs in the Potomac area to a place of subjection; and so they kept up a long-standing feud with the nearby Virginia frontiersmen. In a letter to Major General Robert Smith of Rappahannock, he wrote:

> ... I think it necessary to Destroy all those Northern Indians for they must needs be conscious of the coming of other Indians. Twill be a great Terror and example and Instruction to all other Indians.
>
> If ye Councell here and the Councell of Warr be of this opinion it may be done without charge for the women and children will Defray it;[56] ... if y^r young men will not undertake it alone, there will be enou from hence will undertake it for their share of the Booty.[57]

56. It was not uncommon to enslave Indian war captives, especially after the massacre of 1644.

57. Berkeley to Major General Smith, [1668], William and Mary Quarterly, First Series, VIII, 165.

Smith submitted Berkeley's instructions to the Rappahannock justices, who expressed complete agreement with the Governor's plans.[58] Unfortunately this ambitious program was never carried into effect.

The second threat of a general Indian war came in 1675 from this same frontier. Across the Potomac the Susquehannock Indians, tributary to Maryland, had been forced south from their holdings on the Susquehanna River by Iroquois enemies, the Seneca. Maryland had made a separate peace with the Seneca, abandoning their allies, who were defeated and retreated to the Potomac, where they were restless and in need of food which their Indian neighbors could not supply. Frequent raids on nearby Maryland and Virginia plantations were accredited to the Susquehannocks. The tense situation broke into war in the middle of the summer, when one Robert Hen, a Stafford County herdsman, was found dying from a great number of wounds; he lived long enough to accuse the Doegs as his murderers. Two Stafford County officers, Colonel George Mason and Captain George Brent, with about thirty men hurried off in pursuit of the Indians. They crossed the Maryland line and massacred

58. Rappahannock Justices to Smith, [1668], Ibid.

the first Doegs and Susquehannocks they found, about twenty-five of them. This rash action, without authority from either Virginia or Maryland, necessitated immediate preparations for war. Berkeley commissioned Colonel John Washington and Major Isaac Allerton to command the Virginia militia in cooperation with Maryland troops under Major Thomas Trueman to drive the Susquehannocks out of the Potomac region.[59] The failure of the campaign was further disgraced by Trueman's breach of faith when he murdered five Indian "great men" who had come to parley under a flag of truce. When Sir William heard of the outrage, he was furious. "If they had killed my grandfather and my grandmother," he cried, "my father and mother and all my friends, yet if they had come to treat of peace, they ought to have gone in peace."[60]

The Susquehannocks broke up into roving bands of vengeance, and early in January, 1676, attacked the exposed plantations along the Rappahannock, killing

59. Governor and Council to Colonel Washington and Major Allerton, August 31, 1675, William and Mary Quarterly, First Series, IV, 86.

60. [Thomas Mathew], The Beginning, Progress and Conclusion of Bacons Rebellion in Virginia in the Years 1675 and 1676, in Charles M. Andrews, ed., Narratives of the Insurrections 1675-1690 (New York, 1915), p. 23.

and torturing thirty-six women and children. When Sir William heard of the new atrocities, he prepared a major retaliatory expedition under Sir Henry Chichley. But when the men were ready to march, he revoked Chichley's commission, disbanded the militia, and referred the whole matter to the March Assembly, whom he persuaded to adopt a defensive policy. They decided to build additional frontier forts, to call up 500 militia to garrison them, to reward the tributary Indians for their help, and to enforce closer regulation of Indian trade, with an absolute ban on the sale of firearms.[61]

Why did he abandon his offensive plans? The classic explanation has been that he and his friends wanted no interference with their monopoly of the rich fur trade; Bacon's men spoke of his avarice and murmured, "That no Bullets woud pierce Bever Skins."[62] But there is no conclusive evidence of any personal profits from that source. Two letters dated April 1, 1676, the one to Secretary Arlington, the other to Thomas Ludwell, then in England, suggest a point of view which has been ignored by the students of the

61. Hening, Statutes, II, 326-39.

62. Mathew, op. cit., p. 20.

rebellion. These letters show that he was greatly disturbed by recent news of King Philip's War, which he believed to be closely connected with the troubles in Virginia, and he had fresh in his mind a vivid example of New England's failure to solve the problem by a general war.

> The Indians are Generally combind against us in al the Northerne parts of America, [he wrote to Ludwell.] They have destroyed divers Townes in New-England kild more then a thousand fighting men seldome were worsted in any encounter and have made the New-England men desert above a hundred miles of ground of that land w'ch they had divers yeares seated ... they wil not this twenty yeares recover what they have lost and expended in this warr ... they are in such want of provisions that they have sent us abundance of vessels to buy of us great quantities of al sort as Porke beefe and Corne ... but this is not halfe the New-England mens misery for they have lost al their Beaver trade Halfe at least of their fishing and have nothing to carry to the Barbadoes.[63]

It is clear that Berkeley had no personal interest in the beaver trade; he merely mentioned it as one of the examples of the cost of a general war to a country's economy. Since Virginia was in a period of depression, the strain of a general war appeared especially dangerous at this time. He

63. Berkeley to Ludwell, April 1, 1676, Virginia Magazine, XX, 247.

knew that such an expedition as he had originally entrusted to Sir Henry Chicheley would lead to general war. And now, in April, he believed that the Indians had retired from the frontiers, which were protected by the new forts.

His report of atrocities, in both letters, gave the total as thirty-six, and the implication is that he thought this number the total casualties all along the frontier. It is quite clear that he under-estimated the danger, though he should have been better informed. To Arlington he wrote with confidence:

> And we have now such a strength on the frontiers of al our plantations that we cannot feare them if they were ten times more in number than they are.

Then he reiterated his interpretation of the fundamental difficulty:

> But most honord Sr. as I sayed at first al English planters hold more land then they are able to defend this we al complayne of but no power of ours can redresse because they have this priviledge by his Ma'ties Grant and indeed our Indians have been so often subjected that there has been long, no Evident Cause to feare them.[64]

The latter remark must refer to the tributary Indians upon whom he depended for protection. Both

64. Berkeley to Arlington, April 1, 1676, Virginia Magazine, XX, 245.

letters are more confused than is usual in Sir William's correspondence; they probably reflect the confusion in his mind and an unusual difficulty in reaching a decision. Another consideration is the fact that he felt physically unable to lead an expedition himself; there are many references to ill health the past few years, and he was now seventy-one years old. The persons with enough experience and judgment to be trusted to go in his stead were all unavailable. After expressing his regret at his absence, Berkeley added in the letter to Ludwell:

> ... since your departure Mr. Diggs Mr. Bennet Mr. Corbin Coll. Aug. Warner are dead Col. Willis gone for England Major General Wood [his logical choice] kept to his house by lameness and other infirmities Sr. Henry Chicheley and Coll Spencer so remote that they cannot possible be heare on any Emergency so that all I have left to assist me are Coll. Bacon [Sr.] Mr. Ballard your Brother [Philip] and Mr. Bray and sometimes Coll Swann Coll Bridger and Coll Cole but know that thes last are either remote or very inconveniently seated to helpe me in Emergencies yet I hope by the Grace of God we shal easily repel the Ennimie if some seditious sperits amangst ourselves hinder not our proceedings who for pretexte of their Villiny spread amongst the People the intolerablenesse of this most necessary charge of the Warr.[65]

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35. Berkeley to Ludwell, April 1, 1676, Virginia Magazine, XX, 248.

It was uncharacteristic that he should have recognized so early the presence of the dissatisfaction which developed into insurrection under Bacon's leadership and have done nothing about it. Without the support of trusted advisers, he appears to have left too much to the Grace of God and his defensive plans. Once having taken this position, he stubbornly refused to abandon it. Delegations and petitions from frontier communities asking leave to march against the Indians met with increasingly irritable refusals. And when the people of Charles City armed themselves for counter-attack in defiance of his orders, he considered their action as insurrection and treated the whole movement of Bacon's rebellion as treason.

The story of the rebellion has been retold countless times; it is not proposed to repeat the telling here, but rather to follow Sir William's activities and attempt to understand the

military policy which guided them.[66]

Though Bacon requested a commission to go against the Indians, he and his men had already decided to go without it; the expedition was in fact insurrection from the beginning. Sir William correctly judged his intentions and feared that he would aggravate the situation by attacking the tributary Pamunkeys; he knew that the New Kent frontiersmen believed them equally guilty with the Susquehannocks, but he still trusted them and depended upon them for support. When he learned that Bacon's men, augmented by volunteers from New Kent,

66. The most readable and detailed modern accounts are found in Wertenbaker, Virginia Under the Stuarts, pp. 115-94, and his more popular treatment in Torchbearer of the Revolution (Princeton, 1940). Contemporary accounts are numerous and varied; see "Essay on Authorities" in the latter volume. The contemporary accounts were pro-Bacon if his followers were saving their necks and justifying treason; they were pro-Berkeley if his friends were attempting to redeem their lost property and justify Berkeley's confiscations to reimburse them for their losses and reward them for fidelity to him. Even the report of the commissioners is suspect; while they harshly criticized Bacon as a rebel who had failed, they saw Berkeley as a political opponent whom most of them hated personally, and the county grievances on which the reports were based were, in the very nature of things, drawn up by those who were dissatisfied with the Berkeley regime. The accounts most biased in favor of Berkeley are the letters of William Sherwood and Philip Ludwell to Arlington, published in the Virginia Magazine, I, 167-86, and the anonymous "Vindication of Sir William Berkeley," Ibid., VI, 139-44.

had attacked the Pamunkeys and driven them from their lands, he must have felt that the event justified his point of view, and in his rage, strengthened his earlier decision. Accordingly, he refused to grant the commission and issued a proclamation declaring Bacon a rebel. At the same time, however, he offered him and his followers pardon if they would lay down their arms.

This was a case of mutiny, and he handled it as he had advised his friend, Governor Richard Nicholls, twelve years earlier in somewhat similar circumstances in New York, where some soldiers had mutinied because of arrears in their pay. At that time he recommended pardon for past offenses, committed in Nicholl's absence, but immediate and direct punishment for future disobedience. He suggested that if Nicholls should find the Dutch in any way responsible for the attitude of the soldiers, he confiscate their farms and give them to the soldiers in lieu of pay.[67]

When he learned that his offer of pardon had been ignored and the expedition had gone out against his orders, he collected a group of three hundred horsemen

67. Berkeley to Richard Nicholls, December 4, 1664, Huntington Mss., microfilm copy Alderman Library.

and attempted to cut off the rebels before they could carry out any further reprisals against the Indians. But his party arrived in the vicinity of Bacon's home too late to intercept him. Then he attempted to undo the damage to the Pamunkeys, sending Colonel William Claiborne to persuade them to return to their homes. Their queen sent him a message that exasperated him further. Since the governor had been unable to control Bacon, she said, she could not trust him to protect her people against Bacon's men, and though she promised to keep the peace, she refused to return to the reservation.

By the middle of May Berkeley seems to have realized how little he could depend upon popular support. First he renewed his offer of pardon to Bacon's followers if they would desert their leader, and suspended him from the Council and all other offices. In an appeal to the people for a renewal of their old allegiance to him, he expressed astonishment and hurt disappointment that after all these years of just service to them, they should desert him for one so inexperienced and turbulent as young Bacon. The response was not sympathetic, and he hastily began to make concessions to popular demands. He returned to Green

Spring and issued orders for new elections to the House of Burgesses and for abandoning the frontier forts. Here he used the worst possible judgment; the situation called for positive action. Since he did not trust Bacon's judgment, he should have taken his place as popular leader; even if he had not killed any enemy Indians, he might have avoided Bacon's blunder at Occaneechee Island. In yielding to the demand for dismantling the forts and dismissing their garrisons, he left the frontiers with no protection whatsoever; neither his own program nor the people's plan was now in operation.

Bacon returned from the expedition a hero, since it was not known that he had killed no Susquehannocks and had rewarded the charity of the Occaneechee with treacherous slaughter.[68] Henrico elected its victorious Indian fighter to the House of Burgesses, and Bacon went to Jamestown for the opening of the Assembly accompanied by an armed guard of about forty neighbors. With practical caution, he paused just

68. There is one account of the affair by a participant, "A Description of the Fight between the English and the Indians in May 1676," William and Mary Quarterly, First Series, IX, 1-4; a criticism of Bacon's actions there is in Philip Ludwell to [Sec. Williamson], June 28, 1676, Virginia Magazine I, 178-86.

outside the capital and sent a message to Berkeley asking for his assurance that he would be permitted to take his seat. Sir William replied with a volley from the guns of the fort, and Bacon retreated up the river, to return after dark for a conference with Lawrence and Drummond. The following morning, safely back on board his sloop, he started homeward. Captain Gardner, hero of the Dutch war, pursued and captured him and brought him back to Jamestown a prisoner.

The dramatic scene of submission by the rebel and forgiveness by the governor has often been described. Bacon's advocates believed his statement of loyalty and repentence and his promise of future obedience were forced upon him and therefore he was not morally bound by them, though he gave his oath as a gentleman, and that Berkeley never intended to keep his promise of restoring him to the Council and granting him a commission. There was probably equal insincerity on both sides, for this was open war. However, Berkeley's pardon is easily understood, for even a confused and frightened old man would have known better than to make the hero a martyr. To return him to the Council would make him ineligible to serve with the Burgesses, and in the Council he

could be controlled by the Governor and his loyal councillors, who were in the majority. If he held a commission from the Governor, he would be directly under orders from Sir William, and perhaps he would never use the commission because the immediate danger of Indian troubles appeared to have passed. Certainly Berkeley had every reason to keep him in Jamestown where his activities could be watched.

It was a mistake, therefore, to give him permission to return to Henrico to see his wife, who he said was ill, but one that could hardly have been avoided. Then when Bacon marched on Jamestown with an armed force of 500 men, Berkeley's course was clear. This was insurrection indeed, and after the June days there could be no question of the attitude of the Crown and conservative Virginians. Bacon's cause was lost. When the old governor heard news of Bacon's approach, he made immediate preparations for defending the town, but decided to abandon it when he realized that resistance would mean civil war and that his own support was too weak for him to feel confident of the outcome. His subsequent capitulations to the demands of Bacon and the House of Burgesses were galling in the extreme; his excitement and frustated rage did not necessarily

mean senility. He could only submit in the face of superior force and wait, with whatever patience he could summon, for an opportunity to reassert his authority.

While Bacon was busily preparing another march against the Indians, Berkeley left Jamestown on a recruiting mission of his own, encouraged by a petition from loyal Gloucester men. Again he met with disappointment. He probably hoped to restore order while Bacon was away chasing Indians. But when the rebels suspected his purpose and marched against him, he judged his militia support inadequate and endured the further ignominy of flight to the Eastern Shore. Bacon knew he was safe only until the expected British troops should arrive. He felt doubtful of support against the King's regulars, and needed to bind his men more closely to him with another Indian success. Therefore he split his forces, and experienced failure in each direction. He might have captured the Governor with his whole force. But Berkeley now controlled all the ships in the colony and was able to return to Jamestown and again prepare his defense against Bacon's return, which occurred on September 13, the anniversary of the servants' insurrection.

It is difficult to understand Bacon's success in taking the capital. Berkeley's forces were more numerous, though they included a large number of unreliable runaway servants and British sailors. It is certain that the decision to evacuate rather than fight was not Sir William's; stupidity and irascibility, yes; cowardice, no. But he still controlled the sea and all the shipping, and there was a possibility of bottling up Bacon's men in Jamestown and retaking the town with assistance from the mainland. This was what Bacon feared and what motivated his desperate decision to burn the capital. The subsequent confusion, punctuated with accusations of cowardice and doubtful loyalty in both camps, was finally broken by the death of Bacon in October. As Berkeley's strength grew, he was able to capture Bacon's lieutenants one by one.

Why is anyone surprised at his hanging them after perfunctory trials by courtmartial, when his fanatical hatred of treason is so well understood? His brutality appears to have been dictated by personal revenge. The security of his own position both in Virginia and in England depended upon his restoring order without assistance from British

regulars; the rebellion was his responsibility, and he was answerable to the King for it.

When the commissioners arrived with English red coats late in January, the rebel leaders had been apprehended, and the Green Spring faction was well into its program of revenge. Sir William, therefore, had no use for either the troops or the commissioners and was rude to both when he did not ignore them altogether. Their investigations into the causes of the rebellion never constituted a challenge to his defense policy, for the county grievances were economic and political. The new arrangements for permanent peace on the frontiers followed Berkeley's program in every detail. The negotiations for a new Indian treaty were entrusted to his most reliable Indian authority, Abraham Wood, whose efforts produced an agreement strikingly similar to that of 1646. The frontier forts were re-established by the Assembly with permanent garrisons as standing guards to the frontiers, with Indian scouts and "ranging patrols" for constant watch on the activities of outlying Indian tribes.[69]

69. Hening, Statutes, II, 410-12.

CHAPTER VI

INDIAN TRADE AND WESTERN EXPLORATIONS

> ... We strictly forbid all persons whatsoever to receive into their houses the person of any Indian or to converse or trade with them without the especiall license and warrt given to that purpose. ...
>
> Instructions, 1642

> ... We doe by these presents give and grant unto the said Sir William Berkeley ... full power and authoritie to grant one or more Commission or Commissions to any our subjects addressing themselves unto our said Governour and Councill for the discoverie of the said Country and Ports, bounds, limits, and extents thereof: And alsoe for the findeing out what trades shall be the most necessarie to be undertaken for the benefit and advantage of the said Colony and Plantation, and the good of the People inhabiting or which shall inhabit there, both by Sea and Land.
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> Commission, July 31, 1660

During the seventeenth century there was no settled policy either in England or in Virginia relative to restrictions upon Indian trade. It ranged from absolute free trade to absolute prohibition, with gradations between the two extremes, depending upon the degree of confidence in the colony's safety from Indian attack. With the memory of the massacre of 1622 in mind, Charles I instructed

Wyatt in 1639 and Berkeley in 1642 to forbid all trade except that controlled by the relatively few persons holding special license from the governor. This restriction was considered necessary because individual traders were notoriously dangerous to the peace and good-will of the Indians; they abused trading privileges by over-charging the natives, selling them shoddy goods, allowing them to run into debt and then using the white man's laws, which the Indian did not understand, to attach his land and other property. The Indian situation was not believed to be critical when Sir William arrived, and he made no changes in the licensing system inherited from Wyatt.

From the time of the Hakluyts the Crown had been interested in the exploration of the land to the west, primarily as a source of metals and a route to the South Sea. The development of an expanding Indian trade was a secondary motive in England, but the possibilities of profits from the trade and the advantages of patenting new lands motivated the Virginians who first showed an interest in exploring the unknown southwest. Less than a year before Berkeley took office, a group of four

frontiersmen in Charles City County petitioned the Assembly for permission to explore the area beyond the Appomattox River.[1] The Act of the Assembly which granted their petition set the precedent for later legislation relative to the western and southern frontiers and established the manner in which the Virginia frontier was to move westward. The promoters were given a fourteen-year monopoly on all profits from the venture provided they fulfilled two requirements: first, they should pay to the Crown one-fifth of the profit from any mines that might be discovered; and second, they must secure a special permit from the governor and Council if the proposed expedition should employ more than two or three men.[2]

The massacre of 1644 prevented the Charles City men from making the proposed trip and stopped the Indian trade altogether. The Assembly on June 1, 1644, prohibited all "private Trade comerce familiarity and entertaynement" on pain of death because it was believed that the traders had been furnishing

1. William W. Hening, ed., Statutes at Large (Richmond, 1809), I, 262.

2. Ibid.

the Indians with guns, powder and shot.[3] By the following spring the colony was in critical need of corn; therefore the trade was re-opened, but only in corn, and even then the trade was limited to the nations at peace with the colony and rigidly controlled by commission from the governor.[4] This same session of the Assembly established the frontier forts along the fall line which came to be used in peace as centers for trade and points of departure for exploratory expeditions. The treaty of 1646 set up a new arrangement for trading similar to the procedure for bringing messages to the governor: The Indians on the north side of the James were to bring their peltry to Fort Royal on the Pamunkey; those on the south side, to Fort Henry on the Appomattox or to the home of Captain John Flood, which stood opposite the fort.[5] Since Flood was an important official interpreter to the colony, his building a house on the Appomattox implies that the more important Indian business was

3. "Acts, Orders and Resolutions of the General Assembly of Virginia at the Sessions of March 1643-6," Virginia Magazine of History and Biography, XXIII, 236.

4. Ibid., 239.

5. Hening, Statutes, I, 323-26.

already shifting to the south.[6] It is possible that the Assembly meant the forts to be primarily centers of trade, for the arrangements for defense were placed in the hands of an "undertaker" for each fort, who in return for exemption from taxation on the land granted with the fort, maintained a garrison for defense and developed the Indian trade in that area on his own initiative.

All these arrangements were made by the Assembly while Sir William was absent from the colony. Since there was no mention of the Indian trade in his correspondence or reports in the 'forties, it may be inferred that he had neither interest nor influence in it. Not so with explorations, for by the end of the decade he was personally interested in the lands beyond the mountains so excitingly described to him by the Indians. This was an interest which flared up from time to time for the remainder of his life.

Two contemporary pamphlets presented glowing prospects to the explorer beyond the mountains. A Perfect Description of Virginia declared:

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6. A. J. Morrison, "The Virginia Indian Trade to 1673," William and Mary College Quarterly, Second Series, I, 228.

> And the Indians have of late acquainted our Governour, that within five dayes journey to the Westward and by South, there is a great high mountaine, and at foot thereof, great Rivers that run into a great Sea; and there are men that come hither in ships, (but not the same as ours be) they weare apparrell and have reed Caps on their heads, and ride on Beasts like our Horses, but have much longer eares and other circumstances they declare for the certainty of these things.
>
> That Sir William was here upon preparing fifty Horse and fifty Foot, to go and discover this thing himself in person, and he was ready to go when these last ships set sail for England in April last: and we hope to give a good accompt of it by the next ships, God giving a blessing to the enterprize, which will mightily advance and enrich this Country; for it must needs prove a passage to the South Sea (as we call it) and also some part of China and the East Indies.[7]

Virginia Richly Valued devoted five pages to suggestions for developing the Indian trade and exploring the transmontane region, promising rich returns in pearls, crystal and silver as well as direct contact with China. One of the rivers from the Gulf of St. Lawrence, it was said, washed all the back side of Virginia and emptied into the South Ocean, thus providing a natural barrier to the Spanish.[8]

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7. A Perfect Description of Virginia (London, 1649), pp. 13-14, in Peter Force, ed., Tracts and Other Papers ... (Washington, 1844), II, No. 8.

8. Virginia ... Richly and truly valued (London, 1650), pp. 41-45, in Force, Tracts, III, No. 11.

It is interesting to note that no mention was made of a possible trade in furs, and the Spanish, not the French, were at that time the rivals whom the English most feared.

However great Berkeley's interest may have been in making discoveries himself, he did not make the trip in 1649. But the following year, on August 27, 1650, a group of six whites and an Indian guide set out from Fort Henry toward the Tuscarora villages to the southwest. The leaders were Abraham Wood, commander of Fort Henry, and Edward Bland, a former English merchant then living in Charles City County. They told the Indians they were sent out by the Governor of Virginia on the invitation of the Tuscarora King to trade. The Governor had further ordered them, they said, to inquire for an English woman "cast away long since" and said to be living among those nations.[9] Though Wood was probably the leading spirit, it was Bland who kept the journal of the trip and had it published in London the following year. The party had traveled as far as the falls of the Roanoke River, where the Dan and Stanton unite, later the site of

9. Edward Bland, The Discovery of New Brittaine (London, 1651), in Clarence Alvord and Lee Bidgood, The First Explorations of the Trans-Allegheny Region by the Virginians, 1650-1674 (Cleveland, 1912), pp. 105-30.

the headquarters of the Occaneechee Indians. Though Bland made a mistake about the direction of the Roanoke, thinking it flowed west, and considered the region a new territory, "New Brittaine," and not a part of Virginia, his description of the country, its products and its soil, was accurate. In spite of the fact that they told the Indians they had come to trade, the report showed greater interest in the land as a fertile region for farming. Bland's enthusiastic description of its possibilities antedated by three-quarters of a century that of his more famous successor, William Byrd.

There is no record of a report to the governor, though Bland did get a permit from the Assembly on October 20, 1650, to explore and develop the new country, provided he secure himself "in effecting the said Designe with a hundred able men sufficiently furnished with Armes and Munition."[10] There is no evidence that Sir William had any financial interest in the venture, either personal or official, but if Bland's statement to the Indians was true, he did give official sanction to the pioneer exploratory trip into the country to the southwest. Some official

10. Ibid., p. 112.

report of a proposed trip of this nature was made to the home government, however, for on September 5, 1651, the Council of State ordered the Committee of the Admiralty "to consider what is fit to be done concerning the discovery to be made to the west of the falls of the James River in Virginia and to report thereon."[11] Whatever action may have been taken by the Admiralty, Governor Berkeley had surrendered Virginia to the Parliamentary commissioners and retired to private life at Green Spring before another exploratory expedition went out from Virginia.

By the time Sir William returned to official life in 1660 the Virginia traders had become somewhat familiar with the back country and were following regular trade routes to the Indian tribes there. Furthermore, land speculators were planning to develop the area for colonization. But there is no definite proof of any accurate surveys of the country, and the line of settlement still followed the fall line.[12]

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11. William N. Sainsbury, ed., Calendar of State Papers, Colonial Series, 1574-1660 (London, 1860), p. 360.

12. Alvord and Bidgood, First Explorations, pp. 51-56.

During his retirement the details of the situation relative to the fur trade are uncertain; probably the professional traders were being discouraged and the natives were bringing their peltry within the fenced plantations, with permits from certain persons at the heads of the rivers where the Indians lived.[13] By the end of the decade any freeman could go to the Indian marts (the frontier forts or the fenced plantations)[14] to trade in anything except firearms. The General Assembly was still determining the regulations of the trade without direction from any settled policy in England.

For some time the Dutch merchants had been sending ships into Virginia rivers to buy tobacco from the Tidewater planters and stores of furs at the fall line forts. This was a thriving business expressly disapproved by Parliament in 1647[15] and absolutely prohibited by the Navigation Act of 1651. Then the Dutch changed their tactics. Using the Susquehannock

13. Hening, Statutes, I, 415-16; Morrison,"Virginia Indian Trade," p. 232.

14. Act of March 1657/8, in Hening, Statutes, I, 441.

15. Declaration of the Governor, Council and Burgesses, April 5, 1647, in Virginia Magazine, XXIII, 244-46.

Indians as middle men, they were able to get control of the best furs of the Virginia Indians in the back country, especially on the southern frontier. The Dutch enjoyed an enormous competitive advantage over the Virginia traders, for they sold the Indians firearms. In recognition of this disadvantage to their own traders, the Assembly in March 1658/9 permitted trade in firearms because the Indians were getting them from "fforainers" (the Dutch) and from "neighbouringe" English (the Marylanders) who were thereby drawing off the trade of beaver to their great profit.[16]

Governor Berkeley was disturbed by this leak in Virginia profits. As one of the reasons for the colony's slow economic progress, he explained:

> We have suffered the Dutch to enrich themselves on our discoveries, who have in our precincts setled a Trade of Beaver with the Indians, amounting to two hundred thousand skins a year, and supply our enemies with Ammunition and Guns in greater proportion then we have them ourselves, but God be thanked as yet, they, their Towns and Trade are in the Kings power.[17]

He was in London when he wrote this description of Virginia conditions. During his absence from the

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16. Hening, Statutes, I, 525.

17. Sir William Berkeley, A Discourse and View of Virginia (London, 1663), p. 6.

colony, trouble had developed in trading relations on the northern frontier. The Assembly which met in March 1661/2 was greatly concerned with the situation on the Rappahannock, where several prominent Virginians had been guilty of illegal extortion leading to the false arrest of the King of the Potomac Indians. The Assembly reprimanded them, fined them and suspended them from office.[18] It was decided that a more careful regulation of the trade would be necessary. Since the Susquehannocks and other northern Indians frequently came to the heads of the rivers and got the whole trade from the neighboring and tributary Indians, to prevent this and "other injuries" the governor was to prohibit all Indians and white traders in Maryland and to the north of Maryland from "trucking, tradeing, bartering or dealing" with the Virginia Indians. By the governor's commission, Colonel Wood was empowered to manage the said business.[19]

While Sir William was at court, from the spring of 1661 to the fall of 1662, certain favorites of Charles II and the Duke of York were making plans

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18. Hening, Statutes, II, 149-53.

19. Ibid., p. 153.

in conjunction with London merchants for exploiting new areas of trade and colonization. Within the decade, the names of Clarendon, Albemarle, Arlington, Lord John Berkeley, Sir George Carteret, and Shaftesbury were to recur repeatedly in the Royal African and Hudson Bay companies, the Carolina and Jersey grants, and the conquest of New Amsterdam.[20] Nothing definite at that time involved Sir William in their planning. But several of the courtiers were personal friends of himself as well as his brother, and within a year after his return to Virginia he became one of the proprietors of Carolina. Since he was the representative in America of the Carolina group, it has been assumed that he was the agent of the Hudson Bay Company as well. From this assumption and the equally unproved belief that he had been concerned with trade in Canada before his governorship began,[21] it has often been concluded that he was reaping large personal profits from a monopoly on the Virginia fur trade. And yet in the entire body of his extant correspondence there is only one reference to it. In a letter to

20. For brief descriptions of their personalities and activities see William E. Dodd, The Old South (New York, 1937), pp. 162-78, and Alvord and Bidgood, First Explorations, pp. 56-59.

21. See chapter I, n. 29, above.

Arlington in April 1663, a long report concerning Virginia's economic progress includes this sentence, without emphasis, between optimistic accounts of the production of potashes and of walnut lumber:

> My Lord Colonell Morrison will petition your Lordspp for a perticuler Commission for mee my Cozen Norwood, and himself with some few others to trade with our Indians for the Dutch and Marylanders send their Indians at least three hundred miles to trade with our Indians for ffurs, and robb us of a great Revenue:[22]

It is indeed unfortunate that his one reference to the most controversial subject of his administration was couched in this ambiguous language. Did he sincerely believe that a closely restricted monopoly of this sort would eliminate the Dutch and Maryland traders? The letter implies that Abraham Wood had not been able to achieve that end in applying the Assembly's Act of March 1661/2. And why was Moryson planning to ask Arlington for help in securing a royal commission when Charles II had expressly granted Governor Berkeley that authority in the Instructions of 1662? Perhaps Sir William felt that this was a reasonable excuse for including himself

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22. Berkeley to [Arlington], April 18, 1663, Egerton Mss., 2395, f. 365, Library of Congress Transcripts from the British Museum.

in a lucrative monopoly whose exercise would bring him trouble with the Virginia traders as well as the Dutch and Marylanders and wanted the protection of explicit royal authority for the project. Whatever his attitude when he wrote the letter, the commission was never granted; in fact, there is no record of Moryson's ever having entered the petition. Perhaps Arlington discouraged the project - no comment from him has been preserved.[23]

The Dutch competition ended in 1664 with the fall of New Amsterdam. Thereupon the Assembly resumed the policy of banning the sale of firearms in the Indian trade, which was still restricted to licensed traders.[24] The New York traders appear to have furnished too little competition to receive official notice either from the Assembly or the

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23. A somewhat similar request of Governor Nicholson twenty years later for a company monopoly of the Virginia fur trade, which was then entirely open, was likewise ignored by the Lords of Trade. The closest parallel ever put into effect was Spotswood's Virginia Indian Company of 1714. See William Neil Franklin, Indian Trade of Colonial Virginia, Princeton doctoral dissertation, 1928, microfilm copy, Alderman Library, Chapter IV, pp. 33-36.

24. Hening, Statutes, II, 215.

Governor.[25] Even in his personal letters to Nicholls from 1664 to 1668 there was no reference to the fur trade, though many other possible business ventures were discussed.

It is certain that Berkeley continued to commission traders as instructed by the King until the time of Bacon's rebellion. Unquestionably the licensed traders as well as individuals engaged in unauthorized and illegal traffic abused the trading privileges and violated the law prohibiting the sale of arms and ammunition, for the Indians who attacked the frontiers in 1675 were armed with firearms rather than bows and arrows. On March 7, 1675/6, the Assembly forbade all trading in arms and ammunition

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25. Robert Beverley, History of Virginia (Richmond, 1855), pp. 62-63, states that the trade was carried on peaceably while the Dutch held New Amsterdam, and the Indians used to call on the English in Virginia on their return trips; but that after the English came to possess New York and "understood the advantages the Virginians made by the trade of their Indians, they inspired them with such hatred to the inhabitants of Virginia that instead of coming peacably to trade with them, as they had done for several years before, they afterwards never came, but only to commit robberies and murders upon the people." Since Beverley's description of Indian life and customs has always been considered classic, his authority in all matters concerning them has been unquestioned by most historians and his opinions copied without criticism. On this point, he was obviously misinformed.

upon pain of death and placed the regulation of the trade in each county in the hands of a commission of five men appointed by the county court. Traders who had formerly held an executive license were made ineligible for membership on the county commissions and were excluded from the trade altogether.[26] This act has been interpreted by Berkeley's critics as another example of his devious methods in preserving his secret monopoly of the Virginia fur trade. They point to his control of the men who made up the county courts and to the unrepresentative nature of the Assembly which passed the law; it was his "Long Parliament" and he forced the subservient legislature to phrase the law in misleading terms.[27] The fact that most of the evidence of "widespread complaints" may be traced directly to Bacon and his supporters is ignored. It is true that an uncritical reading of Bacon's long letter of June 18, 1676, which is the favorite source of information, would lead to

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26. Hening, Statutes, II, 336-38.

27. For a recent exposition of this point of view by an "impartial" student, see Franklin, Indian Trade, Chapter IV. He concludes from the "damning circumstantial evidence of the Act of March 7" that there can be no doubt that Berkeley was guilty of "sacrificing the security of Virginia upon the altar of the Indian trade."

this conclusion. In recounting "their troubles in Virginia by ye Indians," Bacon explained:

> By an Act of State it was pvided for ye better security of the country, That no Trade should be held with ye Indians, notwthstanding wch our present Governr monopolized a trade wth yd Indians & granted licenses to others to trade wth ym for wch hee had every 3rd skinne, which trading wth ye Indians has proved soe fatall to these pts of ye world, yt I feare wee shall bee all lost for this commerce having acquainted ye Indians or neighbours, but most inveterate Enemy wth our manner of living and discipline of warr; has also brought them generally to ye use of or Fire Arms wth such dexterity, yt orselves often hire ym to kill Deare; & they have allmost lost ye use of their bowes and arrows, & every body through connivance have for lucre sake supplied ym wth ammunition (though a prohibited commodity) yt they have been in a condition to punish us.

After an account of the Indian depredations and his own actions to date, the letter explained and excused his early trading activities and his almost immediate abandonment of them when the Indian troubles began.[28]

When he wrote the letter he had just taken Jamestown, and "Bacon's Assembly" had been sitting twelve days. It was certainly advisable at this point to

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28. Mr. Bacon's Account of their Troubles in Virginia by ye Indians, June 18, 1676, Egerton Mss., 2395, f. 551.

justify to his friend in England his procedure in seizing the capital by armed force. His righteous account of his own virtue in abandoning his plans for a monopoly of the trade centering about the Curles should be accepted with caution. He admitted that he had petitioned the governor for exclusive trading rights in that area, but insisted that he had dropped the idea when he saw the fatal consequences to the colony. It should be remembered that William Byrd I already held the governor's commission there, and Berkeley had no reason for revoking his license in favor of a newcomer. One wonders if Bacon's eyes had suddenly opened to the wickedness of his plan when he failed to secure the monopoly which was necessary to put it into effect. Certainly the "fatal consequences to the colony" could be seen more clearly from the outside. In his diatribe against "these men [who] at the Heads of Rivers buy and sell our blood" may be read a strong emotional appeal to popular discontent.

Since all the evidence comes from biased sources, suspicion of Sir William's motives in all justice should be balanced with suspicion of Bacon's sincerity in what is clearly a justification for

insurrection. It may be true that Berkeley granted licenses to friends who would give him a part of the profits; if so, he was remarkably clever in concealing all evidence of their transactions or of any considerable additions to his personal fortune from that source. If Bacon's charges may be dismissed from lack of supporting evidence, it may be concluded that Berkeley's private stake in the fur trade was never large enough to influence his executive decisions as governor.

It is far more reasonable to suppose that when he failed to secure the monopoly mentioned to Arlington in the letter of April 18, 1663, he shifted his interest to the opening of new trade routes by exploratory expeditions to the west. During the expansion of the 'sixties the trade was changing from the north to the west and southwest, and subsequent explorations went out into the latter directions. During the decade Berkeley was still in contact with the members of Charles II's court whose interests in money-making schemes included not only a prosperous fur trade inherited from the Dutch in New York, but also land exploitation, mines, and the long sought-after western route to Asiatic trade.

Western explorations would serve all these ends. Berkeley's letters to Arlington, numerous for the latter part of the decade and the early 'seventies, often mentioned exploratory expeditions, but after 1663 there was not one word about the Indian trade; the aims always mentioned were the search for minerals and for the South Sea. The letters contain many references to the friendship of Arlington and Lord John Berkeley and implications of closer than ordinary relations between the Berkeley brothers, but there is nothing definite about plans for financial profits from common business ventures.

A letter to Arlington dated May 27, 1669, reveals a mutual interest in exploration and reads like a progress and plans report:

> I did this last spring [Berkeley wrote] resolve to make an Essay to doe his Majestie a memorable service which was in the Company of Two hundred Gent who had engaged to goe along with me to find out the East India sea, and we had hopes that in our Journey we should have found some Mines of silver; for certaine it is that the spaniard in the same degrees of latitude has found many But my Lord unusual and continued Raynes hindered my intentions nor can I in reason be sorry for it thoughe I am of that age that requires that very little time should be mispent Yet I considered since; that thoughe the motives to this voyage were only ardent Intentions to doe his Majestie service. Yet I had not his Majestie Commission to Justify so bold an undertaking

> to this I added the memory of the misfortune of Sir Walter Rawleigh. But my Lord if his Majestie be pleased I shal prosecute this designe and wil send me his commission to doe it I shall this next spring goe with such a strength that shal secure me against al opposition whether of the Spaniards or Indians it will be in those Degrees of latitude which his Majestie Predecessors have claymed thes four score yeares and more my Lord.[29]

There was no hint of financial backing for the expedition. But the second paragraph of the letter introduced the bearer, Colonel [Daniel] Parkes, long a resident of Virginia, who with his own regiment was to accompany Berkeley on the "voyage" and was ready to answer His Majesty's questions about the colony in general as well as the proposed project.[30]

The request for a royal commission to justify the expedition, coupled with the large force which he planned to take, implies an expectation of trouble with the Spanish. Sir William's Commission of 1660 had expressly granted him the authority to commission anyone who wished to make discoveries or find new

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29. Berkeley to Arlington, May 27, 1669, in Virginia Magazine, XIX, 258-60.

30. He enclosed a map, which has disappeared. The original letter bears the endorsement: "If his Majesty please that hee renew his attempt to find out ye E. Ind: sea hee desires a Commander [sic] for it refers your Lordship to ye bearer."

trade routes, and it would not appear necessary for him to secure a special permit from the King if he wished to accompany such anexpedition. Perhaps he wanted practical financial support as well as royal sanction in case of open conflict with the Spanish. He seems to have appreciated the importance of buttressing Virginia's claim to the region against the Spanish, but he could hardly be expected to have foreseen the more serious French threat which was to be so dramatically inaugurated the following year.

So far as the records show, the royal commission was never granted.[31] In spite of the lukewarm reception of his plans, Berkeley did subsidize at least one expedition the following year. Its leader was John Lederer, a German physician of

31. The explanation offered by Alvord and Bidgood, First Explorations, p. 62, that the secret treaty of Dover is "certainly sufficient explanation of the fact that subsequent explorations were undertaken without the royal patronage," ignores the fact that the French would not be considered serious rivals in the region beyond the mountains for another three-quarters of a century. At this time all references to European rivals both in England and in Virginia mention the Spanish.

adventurous spirit recently arrived in Virginia.[32] He made three trips to the west and northwest, twice reaching the summit of the Blue Ridge, the first explorer from an English colony to view the Shenendoah Walley and the Alleghenys beyond. The first expedition left the falls of the Pamunkey River on March 9, 1669, traveling northwest; it crossed the Rapidan and reached the summit of the Blue Ridge ten days later. The second started from the falls of the James on May 20, 1670, followed the river twenty miles to Manakin Town, then set out due west into the present Buckingham County, where the main body

32. There is still some question of Lederer's reliability. Alvord and Bidgood doubt his veracity on many points; he is defended in every detail in two more recent articles in the William and Mary Quarterly, Second Series: Lyman Carrier, "Veracity of John Lederer," XIX, 435 ff., and Dieter Cunz, "John Lederer--Significance and Evaluation," XXII, 175-85. His account of his adventures after the main body of the second expedition left him to return home is the part of his story usually questioned. Shortly after the third trip he suddenly left the colony, either because of debts, or, as he told his friend and editor, Talbot, because the Virginians were jealous of his accomplishments, particularly those who had accompanied him on only part of the second trip. Talbot explained his unpopularity by the success of his enemies in persuading the people that the public levy of that year went all to the expense of his "vagaries," for Lederer always said that Governor Berkeley commissioned all three expeditions and sponsored them.

turned around and retraced its steps. Lederer went on alone with an Indian guide far into the Indian country to the southwest. The third left the falls of the Rappahannock on August 20, 1670, following the river to the northwest and so to the top of the Blue Ridge, where Lederer looked across the Shenendoah and saw North Mountain in the distance.[33]

If Sir William sponsored the first trip, it is strange that he did not mention it to Arlington in his letter of May 27, 1669; perhaps the date given by Talbot, March 9, 1669, is Old Style and the expedition really began in 1669/70, just two and a half months before the second. It will be noted that the third followed the second in three months' time. Whatever may be the truth about the financial and official backing of the first, the second expedition was clearly sponsored by the Governor, who wrote to Arlington June 13, 1670:

> Since my last to your Lordshipp[34] wherein I gave your lordship an account

33. Sir William Talbot, ed., The Discoveries of John Lederer (London, 1672), pp. 9-25.

34. This letter has been lost; evidently it was written within the month just past.

> of my sending out a party of understanding Valiant and resolute men to prepare for my Voyage this next August to the West I have only this to Add that two dayes before their setting out there came to them two Indians that by our Geusses liv'd nere two hundred miles to the west of us and they tel us that they wil bring us to some of our own nation this we know is a mistake and that they are Spaniards who live behind out Mountains for they take al that are labeled like us to be Inglish our men have beene now out eighteen dayes and in twelve more I expect their returne for they have order to goe no farther w'th this smal Party then to find a Rivulet that runs west w'ch if they doe then undoubtedly it is y't those rivers must empty themselves into the south and East India seas and if the distance by land be not so greate for Traffique and commerce nothing can be more advantagious for the wealth of England then this discovery wil be But my most honord Lord within ten or Twelve dayes I shal give your lordsh'p a fuller and more perfect account of this Undertaking.[35]

The small party consisted of Lederer, Major William Harris of Charles City County, twenty "Christian horse" and five Indians. It would appear from Sir William's letter that Lederer disobeyed orders when he went on alone.

Arlington received a fuller account of the trip from Secretary Ludwell two weeks later, after the main body of the expedition had returned:

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35. Berkeley to Arlington, June 13, 1670, Virginia Magazine, XIX, 357.

> ... after 4 or 5 dayes travaile over the mountains they were taken up by a river of (as they guesse) 450 yards wide and very rapid and full of rocks running soe farr as they could see it due north between the hills and bankes whereof were in most places according to theire computation nere one thous'd yards high and soe broken that they could not coast it to give a more ample account of its progresse, the mountaines they passed were high and rocky and soe grown w'th wood as gave them great difficulty to passe them, but from the last they were on w'ch was at that river before menconed, they judged themselves w'thin ten miles of other hills barren and naked of wood full of broken white cliffs beyond w'ch (soe long as they staid) they every morning saw a great fogg arise and hang in the aire till 10 o'clock from whence we doe conjecture that those foggs arise either from morasse grounds or some great lake or river w'ch those mountains give bound and there we doe suppose will be the end of our labour in some happy discovery w'ch we shall attempt in the end of Somer w'th provisions to passe the river allsoe to try for mines, being yet very confident that the bowells of those barren hills are not w'thout silver or gold; and there are rivers falling the other way in to the sea as well as this to the east, I heartily pray wee may discover what may be satisfactory to his Ma'tie and for the honnor and wealth of his Kingdome.[36]

The river which they found was the James, but they did not identify it, probably because it was flowing north at that point.

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36. Ludwell to Arlington, June 27, 1670, Virginia Magazine, XIX, 360-61.

The larger expedition which was planned for the end of the summer was made by Lederer. Sir William, for some unknown reason, did not accompany him as he had planned in June. It will be noted that the emphasis was still on discovery of mines and a water route to the South Seas, and there was no mention of the Indian trade.

The following summer plans for the governor's trip were still under way, but again the expedition was postponed. Ludwell wrote to Arlington in June that "the heats are now too farr advanced for a journey to the Mountaines but after a pawse upon what is allready doun and we have taken breath I doubt not but we shall goe further in the discovery."[37] The next effort was commissioned by Abraham Wood and set out on September 1, 1671, from the Appomattox village across the river from Fort Henry under the leadership of Captain Thomas Batts and Robert Fallam. Beverley stated that Berkeley sponsored the expedition, that the success of Batts and Fallam inspired him to go exploring in person, and that the Assembly passed

37. Ludwell to Arlington, June 26, 1671, Virginia Magazine, XX, 19.

an act to further the plan, which was not carried out because of Bacon's rebellion.[38] But it is abundantly clear from Fallam's journal and from a later letter of Wood[39] that it was the frontiersman and not the governor who commissioned the expedition which crossed the Alleghenys and entered the New River Valley in the fall of 1671.[40]

The following winter Berkeley wrote to the Committee for Trade and Plantations that he was sending our "some Discoverers" in February; that after their return he hoped to be an eye witness to the discovery which he had so often contemplated; and that he would then be able to boast of the accomplishments of the "happy" discoveries to the West.[41] There is no information as to whether

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38. Robert Beverley, History, p. 63.

39. John Clayton's transcript of the Journal of Robert Fallam, in Alvord and Bidgood, First Explorations, pp. 183-93; Abraham Wood to John Richards, August 22, 1674, Ibid., pp. 210-26.

40. Since they found trees already branded MANI and MA, they could not have been the first Europeans to visit the area, but they were the first to leave a written record of their journey.

41. Berkeley to the Committee for Trade and Plantations, January 22, 1671/2, in Alvord and Bidgood, First Explorations, pp. 178-79.

he dispatched the explorers, or if so, what they accomplished. From this time on the record is silent concerning his plans. Because of his advanced age, he may have chosen Wood to head the proposed expedition in his stead. And yet, the next one to go out from Virginia seems to have been undertaken by Wood on his own initiative. This was the Needham-Arthur expedition which left Fort Henry on April 10, 1675, "the most truly remarkable as well as romantic of the English explorations of the seventeenth century."[42] They crossed the Carolina Blue Ridge and opened the Cherokee trade to the Virginians.

Wood informed John Richards, the treasurer and agent of the Carolina proprietors in London, that by the summer of 1674 he had spent £200 sterling on explorations and was getting no encouragement in Virginia for his ventures. After Needham's return from the first trip, he had placed the situation before the Assembly but had received no reply whatever, and at all stages he was being hampered by his enemies. Hence his anxiety for the patronage "of some person

42. Alvord and Bidgood, First Explorations, p. 79.

of honour in England to curb and bridle ye obstructors here."[43] The record of explorations during Berkeley's governorship ends at this point. Alvord and Bidgood conclude that the local impetus was lost in the forces back of Bacon's rebellion and that the courtiers in England had shifted their interest to other ventures after the fall of Shaftesbury.[44]

The expeditions failed to discover valuable mineral deposits or a short water route to the Far East, but the ultimate value of the Indian trade and of the soil itself far outweighed these failures. The leaders of the movement were planters as well as traders, in Berkeley's time best exemplified by Abraham Wood. For thirty years Fort Henry was his home, and he made it the most important trading station along the fall line. Indians visited it with the furs and other products which they exchanged for goods from his store-

43. Abraham Wood to John Richards, August 22, 1674, Ibid., pp. 210-26.

44. Ibid., 89-90.

houses.[45] Here pack trains of Indian traders set out along the Occaneechee Trail south to the Catawba, or directly west to the headwaters of the Roanoke River and over the mountains to the New River Valley. Indian guides and porters were available in the Appomattox village just across the river. The trading methods were described half a century later by William Byrd when his surveying party crossed the familiar Occaneechee or Trading Path and he commented on its importance:

> The Common Method of carrying on this Indian Commerce is as follows: Gentlemen send for Goods proper for such a Trade from England, and then either Venture them out at their own Risk to the Indian Towns, or else credit some Traders with them of Substance and Reputation, to be paid in Skins at a certain Price agreed betwixt them.
>
> The Goods for the Indian Trade consist chiefly in Guns, Powder, Shot,

45. The new arrangements for Indian trade after Bacon's rebellion provided for free trade, even in firearms, but following the precedent of the treaty of 1646 limited trading to the public marts held twice a year. Within a few years the marts were abandoned, and in the last decade of the century royal instructions for the first time forbade all restrictions. Peace with the neighboring Indians was now permanent, and trade restrictions were unnecessary for the safety of the colony.

> Hatchets (which the Indians call Tomahawks) Kettles, red and blue Planes, Duffields, Stroudwater blankets, and some Cutlary wares, Brass Rings and other Trinkets.
>
> These Wares are made up into Packs and Carry'd upon Horses, each Load being from 150 to 200 pounds, with which they are able to travel about 20 Miles a day, if Forage happen to be plentiful.
>
> Formerly a Hundred Horses have been employ'd in one of these Indian Caravans, under the Conduct of 15 or 16 Persons only, but now [1728] the Trade is much impair'd, insomuch that they seldom go with half that Number.[46]

The quarter-century of western exploration had produced a distinctive class of frontiersmen, fearless and resourceful traders and explorers, who by the end of the century were familiar with the routes to the Cherokee country of the Carolina piedmont and to the New River Valley beyond the mountains. Unconsciously, perhaps, they laid a firm foundation for Indian support in the southwest and a claim of priority of discovery in the Ohio Valley which almost a century later were to withstand the challenge of the French to the British control of the interior of the continent.[47] Though the

46. William Byrd, History of the Dividing Line Run in the Year 1728, in John Spencer Bassett, ed., The Writings of Colonel William Byrd of Westover in Virginia Esquire (New York, 1901), p. 235.

47. Alvord and Bidgood, First Explorations, pp. 90-97.

degree of Governor Berkeley's participation in the movement cannot be demonstrated in detail, he should be considered the "equal if not the superior of contemporary French governors"[48] who were opening the Mississippi Valley to French traders.

48. Ibid., p. 70.

CHAPTER VII

A PLANNED ECONOMY

That whereas yo^r Tobacco falleth every day more and more unto a baser price, that it be stinted....

That the Merchant be not constrained to take Tobacco at any Price, in Exchange for his wares. But that it be lawfull for him to make his own Bargain for his goods....

That especiall care be taken for ye preservation of neat cattle ... whereby the Colony will in short time have such plenty of victualls, yt much people may come thither for the setting up of iron works and other staple comodities.... That you cause the People to plant great stores of corne.... And that no Corne nor Cattle be sold out of the Plantation without leave from the Governor and Councill.

That they apply themselves to the Impaling of Orchards and gardens for Roots and Fruits w'ch the country is so proper for....

We require you to use yo^r best endeav^r to cause ye people to apply themselves to the raising of more staple comodities as Hemp and Flax, Rope, Seed and Madder, Pitch & Tarr for Tanning of Hides and Leather. Likewise every Plantation to plant a proportion of Vines, answerable to their numbers, and to plant white Mulberry Trees, and attend Silk Worms.

And also not to suffer men to build slight cottages... and to remove from place to place, only to plant Tobacco. That Tradesmen and Handy Crafts be compelled to follow their several Trades and occupations, and that ye draw you into Towns.... That for raising of towns every one ye have and shall have a grant of 500 acres of land, shall, within convenient time, build a

convenient house of brick of 24 feet long and 16 feet broad with a cellar to it and so proportionately for Grants of larger or lesser quantity.... And that you cause at ye publick charge of ye country a convenient house to be built where you and the councill may meet and sitt for the dispatching of publick affairs and hearing of causes.

That whereas many ships laden with Tobacco and other merchandize from thence, carry ye same imedly into fforaine countries, whereby his Majty loseth ye custom and Duties thereupon due ... You bee very carefull that no ship or other vessell whatsoever depart from thence ... before Bond wh sufficient sureties be taken ... to bring the same directly into his Majties Dominions and not else where.

Next that you strictly and resolutely forbid all Trade or Trucking for any Merchandize whatsoever wh any ship other than his Majties subjects, that shall either purposely or casually come to any of yr Plantations.

Instructions, 1642

Whereas we have been moved to put some restraint upon the planting of Tobacco in that our colony both for the advancing the other comodities we have recommended to you, and because the price falls so low ... that the same will not in short time be valuable to the planters or merchants ... such good rules may be established as may be for the general Benefit, and because what may be found necessary to be settled in these particulars will require that the same provision be likewise made in Maryland, we do direct you that some commissioners be appointed to treat with others of Maryland to that purpose....

That all possible endeavours be used and encouragedment Given to advance the Plantation of Silk, Flax, Hemp, Pitch and Potashes.... Amongst other good works we desire to erect such an iron work as may be ....

> above what a private undertaking can go through, and do therefore if we find encouragement thereunto resolve to undertake it ourself....
>
> That care be taken to dispose the planters to be willing to build towns upon every River which must tend very much to their security and in time to their profit.
>
> We do hereby require you that a very exact account you do cause to be entered there and transmitted to our commissioners and farmers of our customers [sic] here, of all the Tobacco which shall be shipped from that our colony in English vessels and that you suffer none other to be shipped from thence, with the time when the same was shipped, the name of the Ship and of the Master and to what place he or they are bound, to the End that Discovery being thus made care might be taken for the severe punishment and prosecution of those who shall transgress the said act of Parliament.
>
> Instructions, 1662

Since the very existence of the colony depended upon its economic prosperity, and the Crown's colonial revenues upon the volume of exports from the colony, His Majesty's instructions to his governors always contained suggestions for improving economic conditions. Though a systematized mercantilist philosophy had not yet been worked out in 1642, some of its basic principles had long been accepted in practice. While the colonists had never agreed with English ideas in

every respect, the cleavage of interest between colony and mother country was to become increasingly clear as the century progressed. But on the essential point there was universal agreement: government must regulate economic activity,[1] both local authorities and empire agencies sharing in the regulations.

In Virginia any attempt to improve economic conditions obviously must begin with the tobacco market. Price-fixing efforts dated from the days of the Company. Though neither James I nor Charles I had succeeded in arranging a tobacco contract acceptable to all the interests concerned, royal policy had consistently tried to regulate the market. But expanding production, not only in Virginia but also in Maryland and the West Indies, had glutted the market, and now in the 1640's no one was getting the profits which he expected; neither the King's customs revenues, nor the merchant's profits, nor the planter's income was satisfactory. In England the attempt to

1. Edgar A. J. Johnson, American Economic Thought in the Seventeenth Century (London, 1932) examines the works of English and colonial writers of the century in an effort to determine the prevailing economic philosophy. He concludes, p. 11, that this belief in the necessity for governmental regulation was partly a heritage from the Middle Ages, partly a phase of mercantilism, partly a necessary response to the immediate problems of circumstances.

give colonial tobacco a monopoly of the home market, by placing a higher duty on the Spanish product and prohibiting the English farmer from raising it, had proved to be very difficult to enforce because of the expense and inadequate administrative machinery.[2] On the other hand, in America the effort to limit and improve production by stinting had already been tried at the King's suggestion, but with colonial cooperation.[3] Here too enforcement had been difficult even though men of "Experience and dignity" had been appointed as "viewers," sworn to enforce the regulations to the best of their ability.[4] Just before Sir William Berkeley's arrival, the General Assembly made plans to destroy all the bad tobacco and half the good of that year's crop and to limit the output of the next two years to 170 pounds per poll. The merchants had promised their

2. For a discussion of the tobacco contract see George L. Beer, The Origins of the British Colonial System 1578-1660 (New York, 1908), Chapter IV.

3. For specific acts of the Assembly see William W. Hening, ed., The Statutes at Large (Richmond, 1809), I, 141-42, 162-65, 188-90, 203-7, 209-13.

4. Act of January, 1639/40, abstracted in Hening, Statutes, I, 224-25, or copy from Robinson Manuscripts in Virginia Magazine of History and Biography, V, 119-23, 274-77.

cooperation in enforcing the regulations.[5]

Governor Berkeley's interest in the tobacco market was private as well as official, for shortly after his arrival in Virginia he became a planter. By the year 1646 he controlled two houses and an orchard in Jamestown, a thousand acres in the Green Spring estate, and about fifteen hundred acres in James City County.[6] During the decade of the 'forties he was learning the planter's business and experimenting with staples which might supplement tobacco as important exports. The depression of 1638-'39, when the price of tobacco was low, had produced a revival of interest in the varied exports recommended by the London Company, and while the tobacco situation was not critical during the 'forties, the planters had not forgotten the insecurity of reliance upon tobacco alone. In advertising Virginia's prospects, the pamphlet A Perfect Description of Virginia at the end of the decade referred to experiments then being made in the

5. Act of January, 1639/40, abstracted in Hening, Statutes, I, 224-25, and in Robinson Notes in William and Mary College Quarterly, Second Series, IV, 17-35, 146-47; Governor Francis Wyatt to [-], March 25, 1640, in Virginia Magazine, XIII, 381-82.

6. In addition, he had the use of the 3,000 acres in the "Governor's lands."

production of indigo, flax, hemp, iron, pitch, tar, potash, mulberry orchards and vineyards and declared that the degree of success in these staples was limited only by the scarcity of skilled labor and adequate capital.[7] The author, in popular vein, deplored the preoccupation with tobacco culture and strongly recommended to the planters that they "give the example, and make the gain of other Commodities ... by the effecting them to perfection."[8]

The exact extent of Sir William's personal activity is not demonstrable, but the author of the Perfect Description made special mention of his experiments with rice and implied that this crop was only one of several on his estates. In the preceding year, 1648, he had planted half a bushel of rice and harvested fifteen bushels and hoped to be able to sell it very cheaply, at two pence a pound, within the next few years. His new orchard also was mentioned as having 1500 fruit trees "besides his Apricocks, Peaches, Mellicotons, Quinces, Wardens, and such like fruits."[9] Another pamphleteer, William Bullock,

7. A Perfect Description of Virginia ... (London, 1649), pp. 4-6, in Peter Force, ed., Tracts and Other Papers ... (Washington, 1844), II, No. 8.

8. Ibid., p. 6.

9. Ibid., p. 14.

commented favorably on the methods used in Virginia, where the fruits grew "all on standing Trees, and not against Walls" as in England, and the Virginia trees bore twice as well as those in England, with larger fruit.[10]

The model Virginia planter of the period was Captain Samuel Mathews, richest man in the colony, a Councillor and personal friend of the governor, who probably learned many practical lessons from Mathews' thirty years of experience. The author of the Perfect Description wrote of the "Worthy Captaine Matthews":

> He hath a fine house, and all things answerable to it; he sows yeerly store of Hempe and Flax, and causes it to be spun; he keeps Weavers, and hath a Tan-house, causes Leather to be dressed, hath eight Shoemakers employed in their trade, hath forty Negroe servants, brings them up to Trades in his house: He yeerly sowes abundance of Wheat, Barley, &c. The Wheat he selleth at four shillings the bushell; kills store of Beeves, and sells them to victuall the ships when they come thither: hath abundance of Kine, a brave Dairy, Swine great store, and Poltery.[11]

Both the Crown and the colony were concerned also with the most favorable arrangements for the colony's imports. Obviously it was to the interest

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10. William Bullock, Virginia Impartially Examined ... (London, 1649), Section I, pp. 8-9.

11. Perfect Description, p. 15.

of the colony to import nothing which could be produced with less expense locally and to the Crown to reduce the colony's imports to the things which England wanted to sell. In the beginning the problem of essential supplies had limited the possibilities of profitable markets in Virginia, but by now the colony was producing its own food. A Virginia law of 1639 required the settlers to plant gardens; each man with 100 acres of land was to "establish a garden and orchard, carefully protected by a fence, ditch or hedge."[12] Therefore, when Berkeley was instructed to make the colony self-sufficient in food, he would expect no opposition from the General Assembly, which already recognized the importance of a home-grown food supply.

Other simple necessities were to be made by Virginia artisans and craftsmen. From the beginning every effort had been made to encourage the importation of mechanics, but in spite of relief from taxation and special bounties from the public funds, in order to produce tobacco they abandoned the trades in which they had been trained. When Governor

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12. Ulysses P. Hedrick, A History of Horticulture in America to 1860 (New York, 1950), p. 100.

Berkeley was instructed to "compel" them to follow their trades, the idea was not new to Virginia lawmakers, for a law of 1633 had forbade gunsmiths, brickmakers, carpenters, sawyers and the like from taking part in any form of farming.[13] Though the Assembly must have recognized the ineffectiveness of such regulations, they continued their efforts to encourage trained artisans to practice their trades.[14] An act of 1646 encouraged parents to send young children to Jamestown, where they would be housed and supported at public expense while they served as apprentices in the public flax house.[15] But the lure of the land appears to have canceled all their efforts.

The attempt to build towns had a double motive. First of all, the town life was to attract the artisans to prevent their becoming planters. And the towns were to serve also as centers of the tobacco trade. The project had been tried repeatedly under the Company and renewed from time to time under the Stuarts, but with no success. Jamestown for about twenty years

13. Hening, Statutes, I, 208.

14. Ibid., I, 307, 314, 330, 351-52.

15. Ibid., I, 336.

had been designated by law as the first port of call for all ships trading to Virginia in the hope of setting up machinery for the control of forestalling and engrossing as well as building up the town as a center of trade. An act of the Assembly in October, 1649, established a weekly market at Jamestown; but legislation alone could not make the town a profitable trading center, and the act was repealed in 1656.[16] The merchants complained that the warehouse facilities there were inadequate, and the planters objected to the added expense of maintaining a town house or storehouse in Jamestown when their own plantation wharves were adequate.

The King's instructions forbidding trade with foreign ships and requiring bonds for exports and the inspection of bills of lading for imports were all part of the regular machinery for collecting duties for the royal treasury. In the general uncertainty produced by civil war in England, the machinery broke down. Moved by special uneasiness about the interference with trade on the high seas and in colonial ports, Virginia declared her neutrality by stating a policy of free trade with all English

16. Ibid., I, 362, 397.

subjects. The Assembly on February 17, 1644/5, pledged the faith of the colony "for a continuance of a free and peaceable trade to them with all justice in any case requiringe it, so as demeane themselves in a peaceable manner, and be obedient and conformable to the government."[17] In the same session the legislature promised free trade to all inhabitants of the colony to buy and sell at their best advantage.[18] This freedom produced diversification in Virginia's trade almost immediately. Usually about thirty London ships came to the James in the fall and returned home in the spring laden with tobacco, supplemented by timber products to fill out the cargo.[19] At Christmas, 1648, there were trading in Virginia ten ships from London, two from Bristol, twelve from Holland, and seven from New England,[20] the latter buying cattle and corn.[21]

The diversification had some advantages, balanced by disadvantages. While the London traders could supply imported goods most satisfactorily, they were

17. Ibid., I, 296.

18. Ibid.

19. Perfect Description, p. 5.

20. Ibid., p. 14.

21. Ibid., p. 12.

basing their trade increasingly upon consignment to London houses, and they required the planters to assume part of the risks. The Bristol merchants were willing to take all the risks, but they could not supply the imports to which the Virginians were accustomed so well as their London competitors. The trade with New England was only "four dayes saile away," but these ships had nothing to sell in Virginia except products obtained in England. The Dutch traders offered better prices for tobacco and supplied many of the most desired imports, since they often represented English merchants resident in Holland,[22] but they did not bring new immigrants to the colony. The Dutch were traders, not colonizers, and though they brought in a few Negroes, the Virginians of this period preferred white servants. In later years when the colonists remembered the varied trade of the 'forties, it was the tobacco prices offered by the Dutch which they recalled with regret. But they never did want to have the Dutch replace the Londoners; free trade to them meant the opportunity to find a ready market for their surplus

22. See Philip A. Bruce, Economic History of Virginia in the Seventeenth Century (New York, 1896), I, 354, for the example of the Dolphin.

tobacco without going through London.[23]

When the war ended, the Virginians were probably as ready as the English merchants to re-establish normal trade relations. Perhaps that is why Virginia surrendered to the Parliamentary commissioners with so little show of resistance; the offer of lenient terms followed the threat of economic boycott in the Navigation Acts of 1650 and 1651. Article 7 of the surrender treaty guaranteed to the people of Virginia "free trade as the people of England do enjoy to all places and with all nations according to the lawes of that commonwealth."[24] Since the Navigation Acts were still included in "the lawes of that commonwealth," Virginia's "free trade" did not permit Dutch participation, but in 1652 England was at war with Holland and the trade had already been interrupted. The Virginians seem to have recognized their dependence upon England's supplies and good will, for there is little evidence of a desire for real economic independence.

When Berkeley returned to public office in 1660,

23. Wesley F. Craven, The Southern Colonies in the Seventeenth Century (Baton Rouge, 1949), pp. 240-42.

24. Hening, Statutes, I, 365.

he had acquired a better understanding of the economic problems of the Virginians through an additional eight years of experience as a planter. Therefore, in planning and effecting his program for Virginia economy he was guided by his own experience as well as the royal instructions. While Charles II was developing his integrated program for the empire, Sir William was working out one of his own for Virginia which sometimes ran counter to the larger plan; and then this most loyal of royal governors voiced eloquent protests against those phases of his royal master's policy which he considered detrimental to the colony's welfare.

When he was in London in 1661-'62, as Virginia's agent to protest against the restoration of the Company and the Navigation Acts, Governor Berkeley presented a written report on the colony's economy and prospects, as instructed by the Council for Foreign Plantations under date of August 5, 1661.[25] This report was the famous Discourse and View of Virginia, an analysis, a program and a philosophy. After describing its favorable geographic location and the

25. Minutes of the Council for Foreign Plantations, Inner Court of Wards, August 5, 1661, in Virginia Magazine, XVIII, 296.

abundance and variety of its natural resources, he explained its failure to produce the staples of which it was capable.

> Amongst many other weighty Reasons, [he wrote] why Virginia has not all this while made any progression into staple Commodities, this is the chief. That our Governours by reason of the corruption of those times they lived in, laid the Foundation of our wealth and industry on the vices of men; for about the time of our first seating of the Country, did this vicious habit of taking Tobacco possesse the English Nation, and from them has diffused it self into most parts of the World; this I say being brought to us from Spain at great prices, made our Governour suppose great wealth might be raised to particulars by this universal vice, and indeed for many yeares they were not deceived, till that increasing in numbers, and many other Plantations following the same design, at last brought it as now it is to that lownesse of price, that the Customes doubles the first purchase; that is, the Merchant buyes it for one penny the pound, and we pay two pence for the Custom of that which they are not pleased to take from us.
>
> That was the first and fundamental hinderance that made the Planters neglect all other accessions to wealth and happiness, and fix their hopes on this vicious weed of tobacco, which at length had brought them to that extremity, that they can neither handsomely subsist with it, nor without it.
>
> Another hinderance has been, that there was never yet any publick incouragement to assist the Planters in those more chargeable undertakings, as Iron-Mines and Shipping. [26]

26. Sir William Berkeley, A Discourse and View of Virginia (London, 1663), pp. 5-6.

In the production of staples which require a smaller original investment, the chief obstacle had been the scarcity of skilled workmen.

> ... at whose doors ought this defect to lie? [he asked.] Not at ours, who would procure them could they be perswaded at high prices; but indeed our liberty to do good onely to our selves, is the main obstacle of our progress in staple commodities in our Plantations, for onely such servants as have been brought up to no Art or Trade, hunger and fear of prisons bring to us, which we must entertain or have none.[27]

No one recognized the needs of the colony so well as the planters themselves,

> who by many tryals have found their case to be like those Architects, who can design excellent Buildings, but have not skill to square their Timber, or lay their Bricks, and for want of money to procure men for these labours, their models remaine onely in their imaginations or papers: This is our case, who without a publick assistance can neither survive our poverty, nor the remedys of it ... for men of manufacture will not be procured, but on great wages, to leave their Countrey, and hazard (as they style it) their lives: this the poor Planter cannot do, whose sweat and labours amount to no more, then to clothe and provide for the ordinary necessities of his indigent Family.[28]

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27. Ibid., p. 4.

28. Ibid., pp. 7-8.

The Virginia Assembly, speaking for the planters, had requested Governor Berkeley to speak for the colony and:

> make this Proposal to His Sacred Majesty and his Council, to adde one penny more to the Customs of our Tobacco, and give it to the Countrey; which, if granted, will pay all the publick charges of the Countrey, furnish us with Magazines to resist the Indians, build Mills for Iron and Planks, procure us on good Salaries able men for Silk, Cordage, Mines and Flax; and all this will be done at the expence onely of an indulgent Grant: for who payes this but the poor Planter, whose Tobacco must sell for lesse, the more is imposed on it?[29]

The planters were willing to bear the costs because they believed this to be the most equitable way to collect a public fund. Their request for an exemption from the provisions of the Navigation Acts was carefully covered in a plan to relieve the timber shortage in England:

> And another Proposal they desired me to make, [wrote Sir William] which is this, That such Ships as were built in the Countrey, might carry their goods to what Port they pleased. This they hoped would be easily granted, because by this means the excellency of their Timber and Masts (of both which there is now a visible scarcity in England) would be known, and when known the Timber of England might be spared for many years, and Ships of the greatest magnitude built there cheaper then they can be in England; but if the first

29. Ibid., p. 8.

> be granted, we shall leave this to the wisdom, exigence and care of those His majesty imployes in those affairs.[30]

Governor Berkeley believed Virginia to be of first importance to the empire. Already, he asserted, the American plantations furnished one-fourth of the King's customs, and one ship from Virginia brought in more revenue than five ships of the same burden from Barbados. As to the future, he wrote:

> I can with assurance affirme, that if we have from hence [from England] resolute instructions and indulgent encouragements, within seven years we shall not need the Northerne nor Southerne East Countries, to supply us with Silk, Flax, Pitch, Tar, Iron, Masts, Timber, and Pot-ashes; for all of these, but Iron, we want only skilful men to teach us to produce them the cheapest and readiest way; but the making of Iron will require abler purses then we are yet masters of.[31] ... and as by the feet we guesse at the proportions of men, so we are assisted and commanded, we shall bring in yearly as much Silk into England, as now costs the Nation two hundred thousand pounds sterling at least. Flax, Hemp and Pitch would alwayes be according to the numbers and possibility of the labours of the Planters.[32]

He attributed the relatively quick returns on investments in the West Indian islands to their freedom from Indian attack and the consequent

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30. Ibid., p. 9.

31. Ibid., pp. 4-5.

32. Ibid., p. 7.

willingness of merchants to invest large sums in their development. Virginia, with far greater natural resources and unlimited space to expand, could achieve a more lasting prosperity with less capital investment. "But," he concluded, "the best resolution of this, will be, that being both of one Nation, we blesse God that has made us so instrumental to the Wealth and Glory of it."[33]

Before he left London, Sir William's proposals were discussed in the Council. During the summer, probably in July, the Council ordered that he repair forthwith to his government in Virginia and consult with Lord Baltimore's lieutenant in Maryland about promoting the planting of hemp, flax, silk, etc. and the restraint of tobacco crops.[34] Upon receipt of the order, bearing the royal seal, Berkeley petitioned the Lords of the Council for help in promoting the staple commodities which Virginia was "so admirably proportioned to produce"; he suggested £500 as an initial financial subsidy and repeated his appeal for a few skilled workmen to teach the "nearest and cheapest way" to produce

33. Ibid., p. 12.

34. William N. Sainsbury, ed., Calendar of State Papers, Colonial Series (London, 1860), V, No. 332.

the staples, closing his petition with a tactful request for further suggestions for the good of the colony.[35] The Council debated his petition; the big question was whether Virginia should bear its own charges and no longer be a burden to the Crown. The Council was of the opinion that it should, and agreed to advise the King to recommend that the colony raise the money by continuing to levy the two-shilling per hogshead tobacco export tax; however, this tax was still to be used to pay the governor's annual thousand pounds, as formerly.[36]

Sir William returned to Virginia with no more tangible assistance than the King's promise to underwrite the iron works if he should "find encouragement" enough to warrant the expense.[37] A year earlier, in September, 1661, a royal warrant for two thousand pounds out of the Virginia customs had been issued in Sir William's favor, in consideration of his many and good services as governor and "in full recompense" of all other engagements of King Charles II and his

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35. Ibid., V, No. 334, 341, 345.

36. Ibid., V, No. 333.

37. Instructions, 1662, in Virginia Magazine, III, 19.

Father of blessed memory.[38] Now in answer to Berkeley's appeal for a ship's customs to finance the staples, a new warrant granted his request as soon as he had sent or brought a ship of the same burden laden with salt, hemp, flax, pitch and potash, the produce of the colony of Virginia.[39] Late in the year one of the London merchants especially interested in Virginia, John Bland, did send a gift of flax seed,[40] but no public official gave Berkeley's appeal a practical answer.

But by the next spring, Sir William was able to make optimistic reports to two of the Council members.[41] Although the need for capital and workmen was still hindering progress in staples, the Governor himself had been able to send home forty-nine pieces of black walnut trees, enough to wainscoat five or six rooms, and a ton of potash made by his servants.

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38. Calendar of State Papers, V, No. 171.

39. Ibid., V, No. 369.

40. Henry R. McIlwaine, ed., Journals of the House of Burgesses of Virginia 1659/60-1693 (Richmond, 1914), entry for December 2, 1662, p. 20.

41. Berkeley to [Arlington], April 18, 1663, Egerton Mss., 2395, f. 365; Berkeley to [-], March 30, 1663, Ibid., f. 363, Library of Congress Transcripts from the British Museum.

He had been paying a total of £500 a year wages to his workmen, who were teaching others their skills as they perfected them. The response of the planters to his suggestions and example had been very gratifying, especially with respect to the building of a town.

> ... after I had by your Lordshipps Commands shewn the Kings Instructions to the Assembly [he wrote] they did wth all Chearfullnesse contribute to the building of a Town in James River, with this unanimous Confession, that wth out one, wee could not long be civill, rich, or happy, that it was the first stepp to our security from our Indian Enemies, and the onely meanes to bring in those Commodities all wise men had so long expected from us: And on my faith (my Lord) besides the generall Contribution the Assembly petitioned mee that every County might build one House at the Countys Charge, wch was accordingly done, had the Councill been as forward, (wch in Truth they were not) wee should have had a brave Towne indeed but the poorer sort see that want & misery will sooner come upon them for want of a Towne then on the rich man; and that makes them more willing to contribute for their future good, then the rich men, who are still looking back on England with hopes that the selling of what they have here will make them live plentifully there, and many have not been deceived in that opinion, which has been a stopp to the growth of this Country, for on it they expend no more then what is usefull to them in order to their return for England.... Nor are wee more beholding to the Merchants, whose Agents here have of-such inconsiderable Assistance to us (though they well know they shall receive the first benefitt by a Town in the quick dispatch of their Shipping) that wee have

> absolutely refused their Almes, and excluded them from the honor of contributing to so noble a work, w^th^ the knowledge...that when their interests required it, they might be Arguments for that them against us:[42]

Berkeley's criticism of the merchants recurred in almost every letter of the decade; the most complete expression of his attitude may be found in this letter, for he continued:

> And I most humbly beseech my most dear Lord to believe this truith (w^ch^ I am no way concerned in but as it is a truith) that the Merchants do not desire, what ever is pretended, but that wee should stint or lessen Tobacco, and of this wee have evident proofes this year, for generally they have given us greater prices for our Tobacco then usually they did, and have sent in right [eight] shipps at least more then wee are able to fraygt, and their Agents tell the Planters that there is a new vent found in Russia, procured by the Merchants of the Russian Embassador, that has arrived in England, since I have left it, but what will most palbably [sic] evidence it is this, that though they all know his Maj^ty^, and your Lordshipp did earnestly desire wee should endeavour to plant those most usefull Commodities of Hempe and fflax, though they knew the Country had engaged to repay what ever they should expend in fflax seed, and Hemp seed, though I continually sollicited them to send some as a meanes to lessen our great quantities of Tobacco, yet on my ffaith, my dear Lord, they sent

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42. Letter of March 30, 1663.

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> us not one peck, and I verily believe they will be sorry to hear, that wee have sowed four hundred Bushells, which the next year will in some measure furnish the Country with seed; but had we ten thousand Bushells I am confident it would be sowen the next year, and rough dress'd sent for England; and truly my Lord this is now our case, that if the Mrchan[ts] give us a good price for our Tobacco wee are well, if they do not wee are much better, for that will make us fall on such Commodities as god will blesse us, for when wee know not how to excuse forty yeares promoting the basest and foolishest vice in the world.[44]

The interest in promoting staples other than tobacco was greatest in the periods when tobacco prices were lowest. The depression of 1662 to 1667 was the most serious the colony had yet experienced. The market became glutted after the Restoration because the restrictions on trade with the Dutch limited the legal market to England. The demand was reduced in England because of the plague and the Dutch war. Furthermore, the heavy emigration to the colonies from 1640 to 1660 had reduced the British market while it increased the colonial acreage under cultivation. Now the price had

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43. Berkeley omits mention of the exception, Bland's gift, which was being distributed among the counties in December, just three months before this letter was written.

44. Letter of March 30, 1663.

fallen to a penny a pound; in 1619 it had been three shillings sixpence, and the Dutch had paid three pence during the Interregnum. But as the price fell in the colonies, there was no expansion of consumption because the King's customs duties and the merchants' profits kept the purchase price at a high level. Another difficulty was that the kind of tobacco formerly sold to the Dutch was not attractive to British tastes and could not be sold in England at any price.[45]

Governor Berkeley attempted to apply several remedies simultaneously. In addition to the experiments with other staples, which would correct the basic evil of dependence upon one crop, he tried to loosen the strangle hold of the merchants upon the planters and to carry out the arrangements with Maryland for limiting the crop by government controls. It will be remembered that he had the King's order to promote staples and arrange a cooperative tobacco cessation immediately upon his return home. In the

45. Lewis C. Gray, "The Market-Surplus Problems of Colonial Tobacco," William and Mary College Quarterly, Second Series, VV, 231-45; VIII, 1-16; John S. Bassett, "The Relation between the Virginia Planter and the London Merchant," Annual Report of the American Historical Association, 1901, I, 533-75; Lewis C. Gray, History of Agriculture in the Southern United States to 1860 (Washington, 1933), I, 218, 264-65; Bruce, Economic History, I, 345ff.

year 1662.[46]

The conference of Maryland and Virginia commissioners was held May 2, 1663, and recommended that all planting after June 20 of each year be prohibited. The proposal was accepted by the Virginia legislature,[47] but rejected in Maryland, where the shorter season prevented transplanting before that date and consequently the arrangement would place their planters under a distinct disadvantage. The Marylanders preferred total cessation for one year and insisted upon the cooperation of the West Indian planters if the plan were ever put into operation.[48]

The following year the Virginia Governor and Council petitioned the King for enforcement of his order of 1662, which Maryland had disobeyed. The King referred the question to Lord Baltimore, who was then in England, and after hearing his opinion and that of the Virginia agents, the Privy Council decided against

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46. Earlier in the year the Council had rejected a petition from Maryland and Virginia merchants and planters requesting a royal order for a tobacco cessation. Calendar of State Papers, V, No. 301; Sainsbury Abstracts, Virginia State Library, vol. for 1662, pp. 17, 19.

47. Hening, Statutes, II, 200.

48. Bruce, Economic History, I, 390-91.

the stint and promised to encourage other staples by exempting them from the usual customs duties.[49] Later in the year the Council ordered that neither Virginia nor Maryland might limit the tobacco crop by law.[50]

It appears that Governor Berkeley ignored the order, for he continued to work for an agreement with Maryland. The General Assembly sent messengers to Maryland, and after months of fruitless negotiations, Berkeley himself rode horseback, through the dead of winter, to St. Mary's and won the legislature to his point of view. The Maryland Assembly prohibited all tobacco planting from February, 1666, to February, 1667, if Virginia and Carolina would do the same. The Virginia Assembly passed a similar law, but the Carolinians, because of Indian troubles, delayed action on the tobacco cessation and Maryland repudiated the whole agreement.[51]

The General Assembly again appointed commissioners to treat with Maryland and Carolina, with full power to

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49. Ibid., 392-93, from Archives of Maryland.

50. Calendar of State Papers, V, No. 862.

51. Thomas J. Wertenbaker, Virginia Under the Stuarts (Princeton, 1914), p. 122.

make a binding agreement.[52] Differences were adjusted, and then Lord Baltimore disallowed the Maryland action. Sir William wrote to the King:

> This overtook us like a storm and enforced us like distressed marriners to throw our dear bought commodities into the sea, when we were in sight of our harbour, & with them so drown'd not only our present reliefs but all future hopes of being able to do ourselves good, whilst we are thus divided and enforced to steere by anothers compasse, whose needle is too often touched with particular interest. This unlimited and independent power...of the Lord Baltimore doth like an impetuous wind blow from us all those seasonable showers of your Majesty's Royall cares and favours, and leaves us, and his own province withering and decaying in distress and poverty....This unreasonable and unfortunate prohibition...hath not only increased the discontent of many of the inhabitants of his province, but hath raised the grief and anger of allmost all your...subjects of this colony to such a height as required great care to prevent those disturbances which are like to arise from their eluded hopes and vain expences.[53]

Once again Lord Baltimore was able to persuade the Council to disapprove the cessation,[54] but Governor Berkeley, still unwilling to give up the plan, tried

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52. Hening, Statutes, II, 224-26.

53. Quoted in Wertenbaker, Virginia Under the Stuarts, pp. 122-23.

54. Calendar of State Papers, V, No. 1509.

once more, in 1669, to start negotiations with Maryland. This time, however, the General Assembly did not support him and denounced restrictions of any kind. They were especially critical of his plan to have the planters bring their tobacco to a central governmental warehouse.[55] The worst of the depression had passed; the storm of 1667 had limited the crop,[56] and the price had risen the following year.

Meanwhile, some progress in other staples was being made. Secretary Ludwell's annual report of 1665 mentioned "fair beginnings" in silk, flax, potash and English grain, and the completion of several small vessels to trade with neighboring colonies.[57] Sir William, in reporting to Arlington on Virginia's preparations for the Dutch war, commented on the need for additional defense precautions now that Virginia was beginning to "make those rich commodities which may hereafter tempt the army of princes.[58] The colony had made great and unexpected

55. McIlwaine, Journal of the House of Burgesses, 1659/60-1693, pp. 53-54.

56. Gray, Agriculture in the U.S., I, 264.

57. Ludwell to Arlington, April 10, 1665, Calendar of State Papers, V, No. 975.

58. Berkeley to [Arlington], Aug. 1, 1665, Calendar of State Papers, V, No. 1030.

progress in silk, he wrote, and hoped to produce 100,000 pounds annually if good wheels (which the French called mills) could be imported from Marseilles or Messina. He reported a personal loss of a thousand pounds sterling in flax for want of experienced workmen and suggested that it would be worth the care of the Council table to send over ten or twenty able flaxmen.[59]

The following summer, in response to Arlington's request for information relative to the progress of work in promoting staples, the Governor and Council reported "considerable" progress in silk. They had prepared a gift of three hundred pounds for the King, but hesitated to send it to England at that time for fear of Dutch capers.[60]

It was two years before the gift was delivered. In July, 1668, Sir William wrote to the King:

> Now that the peace has given us some security that our first fruites of silke may come safe to your Majesty,

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59. Ibid.

60. Governor and Council to Arlington, July 13, 1666, Calendar of State Papers, V, No. 1241.

> we have with al humble acknowledgements of your Majesty's gracious protection of us sent it to your Majesty. The present is smal of it selfe, but the hopes and consequences of this excelente commodity may be hereafter of an inestimable benefit to your kingdomes. [61]

On the same day the Governor, Council and Burgesses addressed a letter to His Majesty mentioning the gift, reiterating the need of skilled workmen, and asking his help in getting them to settle in Virginia, to the honor of the King, the advantage of the Nation in general and of Virginia in particular. With silk, flax, hemp, and potash, the country would not rely upon tobacco alone to the ruin of the colony and the decay of the customs.[62]

His Majesty in November graciously adknowledged the gift. As a mark of his princely favor and particular encouragement to the industry of the Virginians in the prosecution of this useful manufacture, he had commanded that the silk be wrought up for the

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61. Berkeley to [the King], July 22, 1668, in Calendar of State Papers, V, No. 1806.

62. Ibid., No. 1805.

use of his own person.[63]

Upon receipt of the King's note of acknowledgment, the Governor and Council "layde up Vowes" in their hearts to perfect the excellent work so that within ten years they might make a far greater present of it to His Majesty. Undaunted by his failure to receive practical help from England, Sir William now planned to assume the role of expert instructor.[64]

> For my owne part [he wrote to Arlington] I dare professe to have knowledge enoughe in it to be able to learne more when it is shewed me and by the grace of god when I come into Europe I wil make a voyage into France or Italy to learne of those whose Experience an' practice have enabled them to teach me.[65]

Once again he requested financial help. Although the

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63. King to Sir William Berkeley, November [25], 1668, Calendar, V, No. 1878. A newsletter of October 27 reported the receipt of the gift and the King's order that it be made into "bed furniture" for his use. Royal Historical Mss. Commission, in Virginia Magazine, XX, 198-99.

64. There was another expert in the colony, Edward Digges, who had experimented with silk during the Interregnum, importing two skilled Armenians to teach him. His present to the King in 1661 had been made into a garment. Egerton Manuscripts, 2543, f. 22.

65. Berkeley to [Arlington], June 12, 1669, in Virginia Magazine, XIX, 262.

King's letter had ignored the request for workmen and the suggestion of a royal subsidy, Sir William still hoped to appeal successfully to his royal magnanimity, with the mediation of his friend, Arlington.

During the decade of the 'sixties, the General Assembly had cooperated with Governor Berkeley in encouragement of the staples. In 1662 there was a law requiring all landowners to plant ten mulberry trees to every hundred acres of their land and offering bounties on silk.[66] Other laws encouraged flax, with premiums on linen cloth, and promised bounties for ships built in Virginia.[67] These laws were repealed in 1666 because it was no longer necessary to provide artificial stimulus to shipbuilding, manufacturing of silk and cloth, and planting mulberry trees.[68] However, the bounties were revived on silk in 1669,[69] since production was falling off. Even Sir William's enthusiasm was beginning to wane. While he continued to mention

66. Hening, Statutes, II, 121, 191.

67. Ibid., II, 120-22.

68. Ibid., II, 238.

69. Ibid., II, 272.

"hopeful progress" in his official reports, his emphasis shifted increasingly to the obstacles to real progress in the work. In the 1671 report, he wrote:

> Commodities of the growth of our country, we never had any but tobacco, which in this yet is considerable, that it yields his majesty a great revenue; but of late, we have begun to make silk, and so many mulberry trees are planted, and planting, that if we had skilfull men from Naples or Sicily to teach us the art of making it perfectly, in less than half an age, we should make as much silk in an year as England did yearly expend three score years since; but now we hear it is grown to a greater excess, and more common and vulgar usage. Now, for shipping, we have admirable masts and very good oaks; but for iron ore I dare say there is sufficient to keep one iron mill going for seven years.[70]

To supplement the report, Berkeley wrote to the Committee for Trade and Plantations in June, re-stating the difficulties in the way of silk manufacture in Virginia. In this letter he added:

> But my Lords poore men who can hardly maintaine themselves in coarse cloathes w'th their utmost Industry in what they know, and are accustomed too wil w'th difficulty be brought to adventure on more hopeful (if they are also hazardous) designes w'thout skill or some experimented assurance, in, and from themselves, or others.

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70. Berkeley's 1671 Report on Virginia, in Hening, Statutes, II, 511-17.

> This is that w'ch has so long retarded this hopeful and Honorable comodity, silke; But my Lords had we skilful men from those places who have laboured some ages in the making it we should then w'th cherfullnesse lend the most of our Endeavours that way and my most honor'd Lords ther wil want nothing to effect this but a Royal com'and to the several Consuls of those places for wil defray al other charges of their transportation and wages.[71]

The Committee made no reply to his letter, and in January, 1672, he repeated the suggestion that the British consuls in Italy arrange to send six skilled silk workers to England and that Virginia pay their transportation to the colony.[72] For some time he had realized that the proper feeding of the worms and winding of the silk was more difficult than was generally believed.[73] His explanations of the failures in all the new staples and his suggestions for correcting the failures were reasonable and practical; without capital and administrative efficiency all efforts were doomed to failure.

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71. Berkeley to [Committee for Trade and Plantations], June 20, 1671, Virginia Magazine, XX, 17.

72. Berkeley to [Committee for Trade and Plantations], January 22, 1671/2, in Alvord and Bidgood, First Explorations, pp. 178-79.

73. Many popular pamphlets, written by persons with no experience, published in the past two decades, minimized the difficulties of silk culture and in all seriousness presented ridiculous reasons for the failure of the worms to thrive. For example, Negroes and persons who had eaten garlic offended their sensitive natures, and they died.

The planters could furnish neither, and with the rise in tobacco prices there was a corresponding drop in popular support of the experiments, even in Virginia. In the face of such widespread indifference, Sir William certainly showed unusual tenacity of purpose.

The Crown had considered specific instructions for the enforcement of the Navigation Acts advisable.

> Whereas we have certain knowledge [read Sir William's instructions] that there is greater endeavours used by the Ill arts of some and negligence of others to defraud us and this Kingdom of the freight and benefit which would accrue by the act of Parliament concerning navigation of the same was carefully and faithfully executed and observed, in that very much Tobacco is shipped in that our colony in Dutch vessels wherein some English mariners are entertained for that purpose and that very much which is put on board some English vessels not yet brought into England and enterred here as by said act, it ought to be insomuch as the Quantity of Tobacco brought into this our Kingdom is in no proportion to the Quantity yearly transported out of that our colony.[74]

The terms of this order were especially difficult for Sir William to enforce. During the Dutch wars his first concern was with the defense of shipping.[75] During the periods of peace the Navigation Acts, in

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74. 1662 Instructions, Virginia Magazine, III, 18.

75. See chapter V supra.

his mind, worked to the disadvantage of the tobacco planters. His attitude toward Cromwell's acts of 1650 and 1651 had not been altered in favor of those of Charles II, and he stated it again, unequivocably, in his Discourse:

> Another great impediment [to Virginia's prosperity] has been, the confining the Planters to Trade only with the English, this no good Subject or Englishman will oppose, if it be found either beneficial to the Crown or our Mother-Nation; but if it shall appear that neither of these are advantaged by it, then we cannot but resent, that forty thousand people should be impoverish'd to enrich little more then forty Merchants, who being the only buyers of our Tobacco, give us what they please for it, and after it is here, sell it how they please; and indeed have forty thousand servants in us at cheaper rates, then any other men have slaves, for they find them Meat, Drink and Clothes, we furnish our selves and their Sea-men with Meat and Drink, and all our sweat and labour, as they order us, will hardly procure us course clothes to keep us from the extremities of heat and cold; yet if these presures of us did advance the Customs, or benefit the Nation, we should not repine; but that it does the contrary to both, I shall easily confidence when commanded.[76]

A decade later he expressed the same opinion. In reply to the question, "What obstructions do you find to the improvement of the trade and navigation of the plantations within your government?" he wrote:

> Mighty and destructive, by that severe act of parliament which excludes us the having any commerce with any nation in

76. Berkeley, Discourse, pp. 6-7.

> Europe but our own, so that we cannot add to our plantation any commodity that grows out of it, as olive trees, cotton or vines. Besides this, we cannot procure any skilfull men for one now hopefull commodity, silk; for it is not lawfull for us to carry a pipe stave, or a barrel of corn to any place in Europe out of the king's dominions. If this were for his majesty's service or the good of his subjects, we should not repine, whatever our sufferings are for it; but on my soul, it is contrary for both. And this is the cause why no small or great vessells are built here; for we are most obedient to all laws, whilst the New England men break through, and men trade to any place that their interest lead them.

The further question, "What advantages or improvement do you observe that may be gained to your trade or navigation?" received the brief but positive reply:

> None, unless we had liberty to transport our pipe staves, timber and corn to other places besides the king's dominions.[77]

There is no reason to doubt that these were honest convictions. Berkeley was a governor as well as a planter, and if his protest were to be effective, it had to be tactful. His point of view was strikingly similar to that of John Bland, London merchant, agent for many Virginia and Maryland planters, who addressed an appeal to the English authorities for the repeal of the Navigation Acts after they had been

77. 1671 Report, in Hening, Statutes, II, 514.

in force for a decade. The system had benefitted only the English wholesale and retail tobacco dealers, he concluded, and to the detriment of the planters to a far greater degree than to the assistance of the dealers. By restricting the planter's market, it lowered the value of his only important export; by removing the competition of the Dutch carriers, which could do business less expensively than the British, it increased his shipping costs; and by giving the British merchants a monopoly on sales of goods to him, it raised the prices of the articles which he must buy in England. Furthermore, (and this should have been a telling point) it lowered the King's revenue by cutting out the duty on Dutch brandy imported into the colonies and the tobacco shipped to Holland. England had not benefitted in the long run. The Dutch were growing their own tobacco, or smuggling British tobacco, or evading the laws by using Dutch bottoms and English crews, and His Majesty's customs were falling off. Bland urged that the colonists be allowed to sell their excess tobacco directly on the continent, using Dutch ships carefully regulated and taxed so as to give the King's revenue

the same amount in customs duties as if British bottoms were used.[78] Bland received no more sympathetic hearing than Berkeley; both were ignored.

Late in 1665 Sir William petitioned the King in behalf of the colony against altering the usual way of trade and commerce with Virginia and mentioned frauds in the tobacco customs.[79] In all probability, for the first few years the acts of 1660 and 1663 were successfully evaded in many ways. He was instructed to keep careful records of all cargoes, shipping dates and names of ship captains so that the farmers of the customs might learn the exact amount of revenue being lost and the names of the offenders. The implication is that British owned and British manned ships were sailing to England via Holland, after the captain had taken the requisite oaths. There is evidence in the county records of the governor's effort to carry out his instructions, but of the connivance of his customs officials in arrangements to evade the regulations. For example, in Accomac each planter was required to take an oath

78. "The humble Remonstrance of John Bland of London," Virginia Magazine, I, 141-55.

79. Calendar of State Papers, V, No. 1123.

that he would give a true statement of the amount of tobacco produced, to whom it was sold, and the name of the ship which transported it.[80] In 1663 Colonel Scarborough, customs officer of the Eastern Shore, was involved in an arrangement with the owners of the Royal Oak to allow the ship, laden with tobacco, to sail directly to Holland. The ship was seized because it had come directly from Holland with a cargo of merchandise.[81]

In 1670 Secretary Ludwell found it advisable to protest indignantly against an accusation that the enforcement of the acts in Virginia left much to be desired. He supposed that the farmers of the customs had complained to the Privy Council, and in the name of the Virginia Council resented the implication that Governor Berkeley had been guilty of neglect. After careful consideration they had given him a "just certificate of his candor & innocence"; Ludwell added his own testimonial to theirs:

> ... he is certainly most carefull of his Ma'ties interest and the farmers, & [I] doe assure yo'r Hon'r that there hath never any ship or vessell traded here contrary to the s'd acts, nor any suspected soe to have donn w'ch hath not by his com'and been

80. Records of Accomac, 1663-6, p. 48, Virginia State Library, Richmond.

81. Ibid., p. 46.

> brought to tryall. I find by a letter from Mr. Delavall the farmers Comiss'r at New Yorke that there was a compl't exhibited ag't a ship bound from Amsterdam hither & consigned to Col. Scarburghe, but doe affirme she never came w'th in any harbor here or anchored on our coast, but the Master leaving his ship sayling to & fro on the sea came to Coll. Scarburgh and gave him his letter upon receipt whereof he presently protested ag't the Ship in pr'sence of two Justices & sent her away w'th out unlading a pennyworth of goods, besides, the Gove'r takes such care to imploy officers in all parts of the best quality and greatest honesty that is very difficult for any to escape and haveing publish it that all may know the reward assigned by the acts of Parl. upon convicted shipps, every man makes himselfe a waighter and reddy to informe upon any breach of law.[82]

But in spite of protestations and testimonials of innocence, criticisms continued to reach the Committee for Trade and Plantations. The most sensational of these complaints created a stir on both sides of the Atlantic. Giles Bland, son of the merchant, John Bland, had recently come to Virginia and in 1674 was the collector of the Virginia customs. Like Nathaniel Bacon, young Bland had risen rapidly to a position of importance through the influence of an older relative, Theoderick Bland, Councillor.

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82. Ludwell to [Arlington], April 29, 1670, Virginia Magazine, XIX, 354-55.

Possibly in order to force the governor's recall, he accused him of connivance in the evasions of the Navigation Acts at the port on the James, and of accepting bribes. The matter received a hearing before the Council, which voted a public condemnation of Bland, and a General Court held in November supported the "injured" governor.[83] Bland, supported by public opinion if not the public officials, denounced the Governor and Council, provoked Secretary Ludwell into challenging him to a duel, then insultingly refused to accept the challenge and contemptuously nailed Ludwell's challenging glove to the State House door. The Assembly denounced him again, removed him from office, and fined him £500.[84] He appealed the case to the Privy Council.

Bland had already sent Berkeley a formal statement "of the dayly frauds comitted or intended to be comitted agst his ma^{ts} Interest & express Acts of Parliam^{t} relating to the Plantation trade, w^{ch} wth out yo^{r} Hno^{rs} assistance cannot be putt in effectual execution," dated September 16, 1675.[85]

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83. Egerton Mss., 2395, f. 496.

84. Calendar of State Papers, IX, No. 698.

85. Egerton Mss., 2395, f. 511.

The following April he wrote to the Commissioners of the Customs relative to his suspension from office and stated the details of the illicit trading in the James. Several vessels, he declared, had arrived from New England with miscellaneous cargoes, partly European goods without certificates that they had originally been shipped from England. "But how to proceed ag^{t} them I know not," he reported, "they being Indulged by the higher powers." Furthermore, New England vessels usually evaded the penny duty on tobacco required by the Act of 1673.[86]

The Committee for Trade and Plantations held hearings on the case for nearly a year. It was all very embarrassing: John Bland was pressing his son's charges, and the presiding officer was Lord Culpeper, cousin of Lady Berkeley. Moreover, several of the Virginians who were appearing before the Committee on the Bland case were in London as official agents of the colony to protest the claim of Culpeper and Arlington to the Northern Neck. Though no decision was reached either in the Committee or the Privy Council, Berkeley was warned of the penalties which "the Governors and those intrusted do incur, if the proof of

86. Ibid., f. 515.

any miscarriage of this nature can be brought home .... We have thought it for his Ma'ties service," wrote the Committee, "& for your own security to give you advertisement thereof."[87] No direct reply of Berkeley's has survived. He had written to Ludwell on April 1, 1676, an account of the misery of the New England colonies after King Philip's war, and referred briefly to the 1673 tax which Bland accused him of overlooking:

> Add to this [scarcity of the usual commodities for trade with the southern colonies] the new tax of one penny per pound on Tobb w'ch my Officers rigourously exact of them to conclude this if this warr lasts one Yeare longer they in new England will be the poorest miserablest People of al the Plantations....[88]

Perhaps he felt that a dignified, injured silence would be more effective than protestations of innocence; his friends could be depended upon to testify in his behalf. The degree of truth in the allegations of Giles Bland will never be known, for the Privy Council did not reach a conclusion, and the whole affair was swallowed up in the much more more serious matter of Bacon's rebellion.

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87. Committee for Trade and Plantations to Berkeley, April 6, 1676, Virginia Magazine, XX, 249-50.

88. Berkeley to Ludwell, April 1, 1676, Virginia Magazine, XX, 247-48.

It has been said many times that Bacon's rebellion was fundamentally economic, a protest against the Navigation Acts and the Governor's economic program. It is true that the poverty of Bacon's followers was attested by everyone who described them and that the most frequent complaints were of hard times and high taxes. But among historians there is little agreement on the importance of the Navigation Acts in producing the depression[89] or on the degree

89. Two opposing interpretations may be found in George L. Beer, The Old Colonial System 1660-1754 (New York, 1913), II, 105-48, and in Thomas J. Wertenbaker, Planters of Colonial Virginia (Princeton, 1922), pp. 84-100. Beer says that the advantages of a monopoly of the British market balanced the disadvantages of the restrictions; Wertenbaker, that English growers could never have competed with Virginians and Marylanders in free trade, and that the significance of the exclusion of the Spanish product was exaggerated, since England was selling Virginia tobacco in Spain itself at the end of the century. He considers the loss of a foreign market a disaster per se, and reiterates the conclusion that the Navigation Acts caused the stagnation in the market. Beer concludes that the Navigation Acts played no part whatever in Bacon's rebellion, since neither the county grievances nor the legislature showed marked opposition to them. Wertenbaker states that Bacon's men were rebelling against the effect of the acts, poverty, and that they would not have expressed their opposition to them in the grievances because such complaints would have been called mutinous, and they were already defending themselves against charges of treason. The Virginia legislature, in Wertenbaker's opinion, did not dare protest while Berkeley was governor because he would have considered such protests treasonable. This conclusion seems strange, since Sir William himself protested repeatedly and went to London in 1661 as their agent to try to get the acts repealed.

of Governor Berkeley's personal responsibility for it. Certainly Sir William recognized the difficulties of the planters, for he was losing money too, and tried conscientiously to do what he could to improve their condition. There was too much tobacco for the market; therefore, it was necessary either to expand the market or reduce the crop. He repeatedly attempted to do both, but with no support in England and with only spasmodic cooperation in Virginia. In order to supplement tobacco with other staples for export he needed capital and experienced direction; again, he received no support in England, the only available source of either. His personal enthusuasm and example influenced a few Virginia planters to imitate his experiments, but they failed, as he did, and for similar reasons.

He showed greater and more intelligent interest in economic problems than most of his contemporaries. The American colonists were not interested in the elaborate mercantilist justification for colonies which English writers were advancing. They looked upon the colonies as places which should provide greater personal economic opportunity for the settlers, and though they were perfectly willing to have their

trade regulated, it must be to the advantage of the colonies.[90] Sir William Berkeley, as Crown agent and private planter, had his judgment directed from two viewpoints, and in his economic program he was a Virginian first and a King's man second. He wanted to develop Virginia's economic life as free from England's restrictions as possible and to develop her trade in the best interests of the colony, though he never lost sight of its importance to the empire. His efforts were sincere, even disinterested to some degree, for he might have amassed a fortune in tobacco alone. But he was never so disinterested as to risk losing political control of the colony; he was tightening that as he planned her economy.

90. Johnson, Economic Thought, pp. 78-79.

CHAPTER VIII

LAND POLICY

That you shall have power to grant Patents and to assign such proportion of Land to all adventurers and Planters as have been useful heretofore in the like cases, either for adventurers of money, Transportation of people thither according to the orders of the late company and since allowed by his Majesty.

And that there likewise be the same proportion of Fifty acres of land granted and assigned for every p'son transported thither since Midsummer, 1625. And that you continue ye same course to all persons transported thither untill it shall be otherwise determined by his Majty.

Whereas the greatest part of the Land on James River hath been formerly granted unto particular persons or public society but being by them either not planted at all or for many years deserted, divers planters have by orders and leave of the Governor and Councill of Virginia set down upon these lands or some part of them which was absolutely necessary for the defence and security of the Colony against the Indians, that the Governor confirm those Lands unto the present Planters and Possessors thereof. And that the like course be taken for Planting new Patents in any places so unplanted and deserted as aforesaid where it shall be found necessary. And in case former proprietors make their claims thereunto that there be assigned to them the like quantities in any other part of the Colony not actually possessed where they shall make choice.

Instructions, 1642

> We being informed that the grant of our Royal Father of blessed memory heretofore made to that our Colony to exempt the Planters from paying quit Rents for the first seven years, hath turned to the great prejudice of that our colony, and that many have abused the Grace and taken occasion thereby to take and create a Title to themselves of such Quantities of Land which they never intend to or in truth can occupy or cultivate, but thereby only keep out others who would plant and manure the same; we do therefore revoke all such Grants as contrary to the Intention of our Royal Father and to the good of the people, and do appoint you by and with the advice of our Council to give direction to the Treasurer and his Deputy, that the Quit Rents be carefully and Justly levied and no longer forbearance thereof by reason or colour of such occupation or discretion as aforesaid, and you shall likewise require our Treasurer or his Deputy to be careful to enter upon all such Lands as are lawfully escheated to us, and authorize him to make new Grants of the said Escheated Lands, in such manner and with such limitations as shall be directed by you and by our council.
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> Instructions, 1662

When the London Company first granted dividends in land titles, each adventurer and settler was entitled to 100 acres;[1] then the "great charter" of 1618 granted fifty acres for each person transported

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1. See chapter 1, p. 23 supra.

to the colony before Midsummer Day, 1625.[2] Thus the headright system originated. After the dissolution of the Company, land titles were granted by the governor and council under these terms. The Privy Council in July, 1634, recognized the patents issued since 1625, and the royal instructions to Governor Wyatt in 1639 contained the King's recognition of the headright claims of the immigrants who had come to Virginia since 1625.[3] Berkeley's instructions in 1642 expressed approval of the system "of the late company and since allowed by his Majesty."

This system required that the person with headright claims appear before the clerk of the court of the county in which he lived and take an oath that the list of individuals upon whom his claims rested was a true and accurate list. The clerk entered the claim in the county record and gave the claimant a certificate. Then the Secretary of the

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2. Instructions to Yeardley, November 18, 1618, in Susan Kingsbury, ed., Records of the Virginia Company of London (Washington, 1933), III, 107-8.

3. Privy Council to Governor and Council of Virginia, July 22, 1634, in William N. Sainsbury, ed., Calendar of State Papers, Colonial Series (London, 1860), I, 185; Instructions to Governor Wyatt, January 1639, in Virginia Magazine of History and Biography, XI, 54-57.

Colony issued him a second certificate directing the surveyor of the county in which the lands were located to lay off the prescribed number of acres. After the survey was made, a copy of the plat was filed in the Secretary's office, together with the second certificate, and a patent was prepared for the signature of the governor and council. The patent gave the claimant title to the land in fee simple upon his fulfilling two conditions: he must pay an annual quitrent of one shilling per fifty acres, and he must plant or seat the grant within three years, that is to say, he must clear, plant and tend an acre of ground with corn or build a house and keep a stock of cattle there for one year.[4] In practice the headright grant was made to the ship captain who transported the servant to Virginia or to the master who paid his expenses rather than to the servant himself; the first paragraph of Berkeley's instructions appears to have approved this custom. The second paragraph, however, implies that the servant himself

4. Thomas Ludwell to [-], September 17, 1666, in Virginia Magazine, V, 58-59; Robert Beverley, History of Virginia (Richmond, 1855), pp. 277-78. It was not until after Berkeley's time, during Howard's administration, that the surveyor's plat was required to be filed in the office of the Surveyor-General.

was to receive fifty acres when he was freed, but local custom seldom granted it to him, and there is no evidence that the King ever gave his governor more explicit orders in that regard.

In the matter of abandoned or "lapsed" lands, Berkeley's instructions legalized the customary practice of the governor and council in granting new patents. Any interested person was at liberty to petition the General Court, setting forth the circumstances of its "lapse" because of the failure of the original patentee to fulfill the requirement of seating or planting it. If the petition received the favorable consideration of the Court, the patent was issued to the petitioner under the same conditions as in the original patent.[5] Escheated lands were repatented under a similar arrangement. When a person died intestate and without heirs, his lands reverted to the King. Any person who wished to secure title to the escheated land petitioned the governor, who issued an order in his favor to the Escheater of the county in which the lands were located. The Escheater then summoned a jury to "make Inquest thereof" and a certificate of inquest was returned to the

5. Beverley, History, p. 278.

Secretary's office, where it remained nine months, subject to any conflicting claim of a possible heir. If the certificate was not contested, a patent was issued to the original petitioner upon the payment of a fee of five pounds sterling to the Escheater and a "fine of composition" of two pounds of tobacco per acre into the county treasury.[6]

Abuses gradually crept into the system with general consent. Most of them stemmed from the inaccuracy and carelessness of the amateur surveyors or from frauds in claiming headrights. The custom of selling them in the Secretary's office and in the county clerks' offices was quite illegal, but so general that there was a scale of prices from one to five shillings for each right.[7] It is usually said that Berkeley's administration was the period when most of the abuses developed into custom, and that his personal income was considerably augmented by the fees which he received from the use of the

6. Ibid., pp. 279-80; Henry Hartwell, James Blair and Edward Chilton, The Present State of Virginia, and the College (Williamsburg, 1940), p. 20.

7. Ibid., pp. 17-18. For examples from the county records, see Philip A. Bruce, Economic History of Virginia in the Seventeenth Century (New York, 1896), I, 518-26.

Seal of the Colony on the patent.[8] Although the seal was used from early times, there was no fee for its use until the administration of Howard; when William Fitzhugh calculated that the proceeds from its use amounted to 100,000 pounds of tobacco annually,[9] he referred to the abuses under Howard, not Berkeley.

It is probably true that Governor Berkeley did "parcel out handsome estates in a free and easy manner" to prominent Virginians.[10] Bruce's careful study of the patent books to determine the size of tracts of land granted to individuals during the seventeenth century demonstrates that the average grant before 1640 was between three and four hundred acres, with a few single grants as large as 5,000 acres. The average size increased gradually to a maximum of 890 acres for the years 1666-'79, and the number of grants in excess of 5,000 acres increased very rapidly, until by the end of the century there were probably a hundred planters who owned more

8. Manning C. Voorhis, "Crown VS Council in Virginia Land Policy," William and Mary College Quarterly, Third Series, III, 502.

9. William Fitzhugh to Henry Fitzhugh, April 5, 1687, quoted in Bruce, Economic History, I, 549-50.

10. Voorhis, op. cit., p. 502.

than 50,000 acres, including purchases and inheritance.[11] When one considers the fact that Berkeley's administrations covered twenty-seven years, the conclusion that he granted more land than all other governors combined would not be surprising. But to say that he was personally responsible for the abuses in the system is another matter entirely. It was not until the reports of Edward Randolph and of Hartwell, Blair and Chilton exposed the frauds that the Board of Trade conducted an investigation. Sir William's policy was not criticized during his lifetime, and no comment of his on the subject has survived. While his own holdings were modest enough, there is no evidence that he in any way discouraged his friends from taking up far more land than they could expect to use. His royal master, Charles II, set an example of prodigality which he may or may not have imitated consciously.

The second condition attached to the patent was the payment of the quitrent. The first royal treasurer, Jerome Hawley, arrived in the colony in 1637 under orders to examine all land titles in order to determine the amount of quitrents due the Crown. The General Assembly began to cooperate in

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11. Bruce, Economic History, I, 527-32; II, 252-55.

their collection in 1639, when landowners were required to report their holdings to the commissioners of the monthly courts for examination and to pay quitrents at the rate of one shilling per fifty acres annually at Michaelmas. There was a specific exemption for seven years after the patent was signed, and payment could be made in either coin or tobacco.[12] But collections proved to be difficult, and in November, 1647, the treasurer urged the General Assembly to grant him permission to distrain upon the property of the delinquents. Payments were in arrears at different times throughout the century, but it appears that the quitrents were generally collected in spite of the evasions of the planters.[13]

The rule permitting exemption from payment of quitrents for the first seven years of the life of the patent was first revoked in the Instructions to Berkeley in 1662 on the ground that it encouraged planters to take up larger tracts of land than they could cultivate. During Berkeley's time their collection was not questioned, but in 1696 Edward Randolph reported that they were not being collected,

12. William W. Hening, ed., The Statutes at Large (Richmond, 1809), I, 351.

13. Bruce, Economic History, I, 556-58.

especially from the large planters who were evading both conditions of the patents and preventing the growth of the colony by monopolizing the best lands.[14] The criticism of the land system by Hartwell, Blair and Chilton mentioned only a rumor of "Concealment of Quit-Rents" but could give "no distinct account" of the extent or methods of the alleged frauds.[15]

It was primarily concern for the validity of their land titles that motivated the Virginians' fear of the revival of the Company and their protests against the Maryland, Carolina and Northern Neck grants. Hence their repeated efforts to secure a royal charter after 1624. One of Berkeley's first administrative problems related to a proposed revival of the London Company. Harvey had complained that one of the reasons for English opposition to his administration had been an interst in re-establishing the corporation. And three years before Sir William's arrival in Virginia, the Assembly had sent George Sandys to London; he had presented a petition in their name to the House

14. Thomas J. Wertenbaker, The Planters of Colonial Virginia (Princeton, 1922), pp. 142-43.

15. Hartwell, Blair and Chilton, Present State of Virginia, pp. 57-58.

of Commons requesting the restoration of the old Company. Berkeley's first Assembly declared that Sandys had exceeded his instructions and forcefully repudiated his action. They declared that the revival of the Company had never been "desired, sought after or endeavoured to be sought for either directly or indirectly by the consent of any Grand Assembly or the common consent of the people" and stated that any settler who should support any move for its revival would be regarded as an enemy of the colony and be made liable to confiscation of his entire estate. Their petition to King Charles I reviewed the many benefits to Virginia under royal care and protection in contrast to their miseries under corporate control and requested that the colony might remain under his direct supervision.[16]

His Majesty graciously acknowledged their petition and declared their wish to continue under his immediate protection "very acceptable"; then he quieted their fears with this assurance:

> And as we had not before the least intention to consent to the introduction of any company over that our Colony, we are by it much confirmed in our resolution, as thinking it unfit to change a

16. Hening, Statutes, I, 230-36.

> form of government wherein our subjects there...receive much contentment and satisfaction.[17]

Though Berkeley probably brought with him the King's assurance of continued royal control when he first came to Virginia in 1642, his duties in the mission to England in 1644-'45 included a check on the activities of Sandys. After the Restoration, when he again went to Court as Virginia's agent, among other things he was to prevent a revival of the Company.[18]

The reckless Stuart habit of granting lands to favorites without careful preliminary study of their boundaries often led to overlapping claims and consequent concern about land titles. When Charles I gave Maryland to Baltimore in 1632, the Virginians protested that the Maryland grant was part of the territory included in the Company charter, which had not been replaced by a new royal one in spite of repeated requests. Three years earlier Sir Robert Heath's Carolina grant had excited similar concern. Sir William Berkeley's attitude was that of the other Virginia planters. In his Discourse he complained:

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17. King to Governor, Council and Burgesses, July 5, 1642, in Peter Force, ed., Tracts, II, No. 6, p. 8.

18. Hening, Statutes, II, 17.

> Another impediment, and an important one too has been the dismembring of the Colonie, by giving away and erecting divers Principalities out of it, as Maryland to my Lord Baltimore.[19]

Though his protest at this time was concerned with the economic disadvantages to the Crown's revenue, he recognized that such grants would "in the next Age be found more disadvantagious to the Crown then is perceptible in this; and therefore," he declared, "I shall not touch it (uncommanded) as to the politick part of it."[20] In spite of the confusion and conflict centering around Claiborne's contested claim to Kent Island, no real trouble with Maryland had developed in the matter of land titles in general because Baltimore recognized those of the Virginians already settled within his bounds.

But with the Northern Neck it was an entirely different story, as related by Berkeley and the Council in a letter of March 28, 1663. The original grant to "Lord Hopton and severall other Lords & Gentlemen" had been made by Charles II on September 18, 1649. At that time no effort was made to exercise the privileges

19. Sir William Berkeley, A Discourse and View of Virginia (London, 1663), p. 6.

20. Ibid.

of the grant, which was renewed August 20, 1662. Early in January, 1663, copies of both grants were taken to Virginia for execution. The Governor and Council returned copies of both documents to England with a request for reconsideration of the terms of the grant. They had "presumed to deteine" both original papers and to suspend their execution "untill his Maj^ts^ further Pleasure be known, upon these hopes, that when his Maj^ty^ shall be rightly informed, how certain a Ruine that Grant (if continued) will bring upon the hopefullest of all his Colonies He well be gratiously pleased to revoak his said Grant, and continue that most important part of this Colony, under the same Government, that both conquered it from the Natives, and peopled it with its own Inhabitants ...." They asked the official to whom the letter was addressed, probably Arlington, to be Virginia's "Advocate to his Majesty for the Repeal of the said Grant" and listed their reasons as follows:

> ffirst, as it is most certain, so wee can make it evident that Maryland being a distinct Government from us hath hindred y^e^ growth, wealth, and Reputation of this Colony, more then both the Massacres, by entertaining our Run-away Servants, and not complying with us in those designes, w^ch^ were for

y^e Advancement affected without some restraints upon the people, who when they found a greater Liberty there immediately removed themselves from us into that Province; much more we could say on this, but wee shall forbear at present, and onely make this Inference, that if Maryland have been so great prejudice, this which is much neerer to us, must (for the same reasons) be must [much] more destructive to the prosperity of this Colony.

Secondly, by the Losse of this great part of the Country (there being near a thousand families in it) wee are utterly disabled to obey his Maj^tys Commands for building of Towns (the greatest benefitt could possibly happen to us) since those that are left, are not able to bare the burthen of it alone, and the Inhabit^ts within those Rivers do not onely refuse their Assistance in that Affair, but deny payment of the Kings Rents, and all other publique Taxes, w^ch wee cannot in justice expect from them if they remaine not under this Government.

Thirdly, for that both the Rivers being within that Grant the two shillings per hhd upon all the Tobacco made in that Province is taken from us, and all the South side of Rappahanoke River is made an Island Countrey, since the Inhabitants there, must either carry their goodes a great way over Land or else shipp them in vessells rideing in their Province, and wee lose the Impost, and then the Remainder will be so farr from affoarding any Incouragement for the Advancement of Manufactures, that it will not (by much) support the Government.

Fourthly, It will wholy discourage all men from their industrious Indeavours, for the effecting & perfecting those excellent Commodities this Country is very

able & proper to produce, since they are uncertaine, how soon the Country may be wholy cantonized, and they subjected to other Landlords, who supposed they had none but his Majty.

Fifthly, Wee humbly conceive the King was deceived in his grant, for it is mentioned in the fourth or fifth Line thereof, that whereas his Majty was informed by the Lord Hopton &c. that all that Land &c.a was free within his Majts guift, whereupon those Letters Patents were grounded; and yet there were severall Tracts of Land taken up, and seated by our people ten yeares before the dates of these Letters Patents, All wch sevll persons had his Majestyes grant, for their severall parcells of Land by virtue of a power given us by a grand Charter from King James (his Majts Royall Grandfather) within which Charter the Land now given is conteined; much more wee could say upon this point, but that wee might not bee too troublesome to yor Lordshipp by the length of our Letter, wee have desired Colonell Morryson to repaire the defects of itt by a larger, and more perfect Relation of our present Condition....[21]

It will be noted that the important concern of the Governor and Council was stated as the fifth reason for protesting the grant. The King's decision reached Governor Berkeley in 1670. His Majesty's letter notified his governor in Virginia that Hopton's grant had been assigned to the Earl of St. Albans,

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21. Governor and Council to the Right Honorable [Arlington?], March 28, 1663, Library of Congress Transcript, British Museum, Egerton Manuscripts, 2395, ff. 360-61.

Lord John Berkeley, Sir William Morton and John Trethewy and the new letters patent had been issued under date of May 8, 1669. Berkeley was commanded to assist the said patentees in the seating and settling of the land and to give them all due encouragement and protection.[22] It is significant that the new patentees were careful at the outset to secure the King's support against the expected opposition from Berkeley, even though his brother was one of the new proprietors. Just two years earlier Thomas Ludwell, in writing to Lord John, had expressed Virginia's fear of the King's listening to requests which would put the colony under a proprietor or corporation.[23]

The Assembly immediately dispatched agents to England to persuade the King to revoke the patent or to allow Virginia to purchase the land from the new patentees. Governor Berkeley again entered a protest to Arlington:

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22. King to Governor Sir William Berkeley, [January?], 1670, Calendar of State Papers, VII, No. 146.

23. Ludwell to Lord John Berkeley, June 24, 1667, in Calendar of State Papers, V, No. 1508.

> ...the Patent, being not two years old, and yet granting all the land taken up nine years before, doth extreamly trouble those who...took up land within that same time and now must have new ensurances.... Besides there are many other grants in that patent inconsistent with the settlednesse of this Government which hath no barr to its prosperitie but proprieties on both hands, and therefore it is mightily wounded in this last, nor have I ever observed anything so much more the peoples' griefe or passion, or which doth more put a stop to theire industry then their uncertainty whether they should make a country for the king or other Proprietors.[24]

His official report on conditions in the colony for that year, 1671, included another protest concerning the "boundaries and contents of the land." He wrote:

> As for the boundaries of our land, it was once great, ten degrees in latitude, but now it has pleased his majesty to confine us to halfe a degree. Knowingly, I speak this. Pray God it may be for his majesty's service, but I much fear the contrary.[25]

In February, 1673, His Majesty replied to the petitions of the Virginians by issuing a new patent to Arlington and Culpeper for the entire colony of Virginia

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24. Berkeley to Arlington, June 26, 1671, in Herbert L. Osgood, The American Colonies in the Seventeenth Century (New York, 1907), III, 250-51.

25. Hening, Statutes, II, 512.

for a period of thirty-one years. The two noble proprietors were authorized to collect all quitrents, receive all escheats, grant new land patents and confirm old ones, to establish counties, parishes and towns, to build churches and schools, to appoint sheriffs, surveyors and other officers, and to set up manorial courts.[26]

This new evidence of Charles II's disregard of Virginia's interests was a blow indeed and called forth more effective action. In October, 1673, Governor Berkeley offered to lend the colony £1200 to buy out the Northern Neck proprietors, and the Assembly gratefully accepted his offer, promising to repay him with eight percent interest.[27] The legislature opened its spring session of 1674 with a statement of their objections to the grant, their fear of new taxes and new surveys, and they begged the King to withdraw the grant. A new tax of fifty pounds of tobacco per poll was levied for the next two years to be used by the Virginia agents in London, who were instructed to negotiate with the proprietors for the surrender of their grant and with the King

26. Ibid., II, 569-78.

27. Henry R. McIlwaine, ed., Journals of the House of Burgesses 1659/60-1693 (Richmond, 1914), p. 61.

for a charter.[28]

While the agents were conducting the negotiations as instructed by the Assembly, the Governor, Council and Burgesses addressed a new petition to Secretary Coventry in September, asking:

> ... that your lordship will consider our present condition, and hear those reasons, which we have ordered our agents, col. Francis Morrison, mr. secretary Ludwell and major general Robert Smith, to present to your lordship why we are unwilling, and conceive ought not to submit, to those, to whom his majesty (upon misinformation) hath granted the dominion over us, who do most contentedly pay to his majesty more than we have ourselves for our labor .... Since, it is no more but that, whilst we labour for the advantage of the crown, we may not be separated from, and subjected to our fellow subjects, contrary to all former gracious promises and assurances from our royal masters.[29]

Once again they requested his Lordship's assistance in "what may again set us free, and for the future secure us from our fears of being enslaved."

Four months later Berkeley wrote a personal request to Thomas Osborne, Earl of Danby, Lord High Treasurer of England, for his intervention in the negotiations. This letter is of unusual interest as

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28. Hening, Statutes, II, 311.

29. Governor, Council and Burgesses to Right Honorable [-], September 21, 1674, in John Daly Burk, History of Virginia (Richmond, 1805), II, Appendix xxxiii-iv.

Sir William's last piece of special pleading for the integrity of Virginia's territory and for official recognition of her importance to the empire.[30]

Right Honorable [he wrote]

> Thoughe absolutely unknown to any thing of your Lordshipp But your Greate Place and trust you have wth his Sacred Matie and the fame of those virtues that procured them yet I hope your Lordship wil pardon this boldnesse of importuning your Lordship especially when you shal see that it is either the Kings interrest or my misapprehending the Kings interrest that makes me presume to write to your Lordship. My Lord thus it is the King has a greate revenue from this poore place wch is twenty times as much as it was when I came to it (or els the King is wonderfully defrauded) not that I impute any greate meritt to my selfe, in this improvement but to the length of time wch I have served in it. Yet perhaps the universal justice and dispacth [sic] of it as wel to the merchants as the Planters has been some cause of the increase of the colony and by consequence of his Maties revenue for to my knowledge there is not one laborer here that does not pay the King five pounds sterling yearly and I veryly believe that in twenty yeares more numbers and returnes to his Matie wil Double. by this your lordship wil see how conducible to the Kings revenue is a moderate and a rational encouragement of this poore people that at least they may have something out of their sweat and labour to supply theire owne necessities wch they can never have if this Patent

30. The letter is bibliographically interesting as the only known Berkeley manuscript sold at public auction within the present century. The original from which this transcript is made was purchased by the Alderman Library in 1946.

of my Lord Culpepers be comanded to be put in execution to the utmost rigor of some clauses and Powers are granted in it.

Now my Lord you are the most principle Officer of his Maties revenue and therefore we humbly hope that your Lordshipp wil not be offended w^th^ us when we Petition you to take a view of his Maiesties grant and examine how ruinous it may be to the Royal Interrest when the planters may be discouraged from their labours to finding by finding [sic] that their unintermitted labours wil not be sufficient to maentaine their families.

My Lord having no support at court nor no merits to assure me of a hope of the Kings favor (but my conscience of having ever donne his Matie al the faithful and industrious service I was capable of) were a madnesse I say in me to oppose such powerful Lords that can blast me w^th^ the least breathings of thire[sic] anger on me if his maiesties interrest did not enforce me to this Duty and I have this frother [further] to strengthen me in my Duty that thes great Lords shal not be frustrated of the Ends of their Grant from his Matie for we wil by our Agents offer them more then they wil make of it, and yet farther I wil say that if one of thes Lords would vouchsafe to come hither and once for al settle what they shal find we are able to doe then I say we wil never repine at what they shal impose on us for being persons of honor we know they wil not exact from us any thing but what is just Equitable and supportable, But my Lord, it is their officers we feare who wil defraud them and grind us and having by this Patent an equal deceided and abstracted power from the present Governors of it wil inavoydably put the country in some disorders.

My Lord you have too many important affaires to be kept from them by impertinencies w^ch this letter may be full of I shal therfore end it with begging your pardon for them

Your Lordshps most humble and most obedient servant
Will Berkeley

Feb the first 1674/5
Virginia

For the Right Hono^ble the Lord High Treasurer of England

After long negotiations,[31] Arlington and Culpeper agreed to surrender their grant if Virginia would not protest their application for a new patent which would give them the quitrents and escheats. Furthermore, the agents succeeded in starting the machinery for a new charter which would extinguish all land claims in the Northern Neck except those granted by Virginia and assure all titles to private estates already established there. In addition the judicial powers of the governor and Assembly were confirmed and Virginia's immediate dependence upon the Crown was assured for the future. In spite of Culpeper's hostile influence, the charter had been drafted by the Attorney-General and the Solicitor-

31. The details of the negotiations may be found in Hening, Statutes, II, 518 ff., and Burk, History of Virginia, II, Appendix xxxiii ff.

General and was ready to receive the Great Seal, when news of Bacon's rebellion arrested its progress in the Signet Office.[32]

The success of Virginia's agents is in marked contrast to the failure of the Massachusetts agents present in London at the same time.[33] The English officials were accustomed to dealing with agents from Virginia, and both Moryson and Ludwell had many personal contacts at court. Unquestionably Sir William's constant collaboration with key figures in Charles II's Privy Council helped to smooth the path of the agents.

While the Virginia planters recognized the importance of the work of the agents in London, they grumbled about the taxes which provided the oil for the wheels of the official machinery. And in spite of the success of their agents' efforts, one of the most common grievances against the Berkeley regime was this special tax.[34]

Governor Berkeley's concern for the validity

32. A copy of the arrested charter, together with an introduction by Thomas J. Wertenbaker, may be found in the Virginia Magazine, LVI, 263-66.

33. Osgood, Colonies in the Seventeenth Century, p. 253.

34. Virginia Magazine, IV, 117.

of the land titles of the Virginia planters did not lead him to protest against the Carolina grant of 1663, probably because he became the American agent for the proprietors in the northern part of the new grant, and so long as he controlled its government, he could be sure that no injury would reach the Virginia land titles. When he returned to the governor's chair in Virginia in 1660, settlement in the Albemarle area thirty miles south of Nansemond County had already begun, and "Roanoke Sound" was on the way to becoming a "southern frontier for the overflow from Virginia."[35] While he was in England in 1661 he presented the problem of the settlers on Carolina or Roanoke Sound. They had purchased lands and received titles from the Kilcocanen Indians and regarded themselves as being beyond the borders of Virginia. He received particular instructions to ignore the Indian titles and require the settlers to take out patents from him under Virginia law. Armed with this authority, immediately upon his return to Virginia in 1662 he required all settlers in the

35. Frederick J. Turner, "Old West," in Wisconsin Historical Society Proceedings, 1908, p. 208.

"new plantations" to take out patents from him and pay the usual quitrents.[36] Copies of the patents issued to Thomas Relfe and a dozen other first settlers[37] show that they were based on headrights.

The following spring, though ignorant of the fact that a Carolina charter had just been issued to eight proprietors including himself and his brother, Lord John, Sir William revealed his optimistic interest in the whole Carolina area in a letter to a friend in England. He wrote:

> ... let mee therefore only begg this. that your Lordship would desire the King to send over one or two Gentlemen, that he can trust, that may truly report to his Majty what a growing Empire he has here, in which all the Plantations in the West Indies begin to center, for hither from all parts they come; Two hundred ffamilies from new England, wee hear are seated a little to the South of us: Continuall Letters from the Barbadoes tell us of ffamilies, that if they can gett leave to depart thence will settle here.[38]

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36. Samuel A. Ashe, History of North Carolina (Greensboro, N.C., 1908), I, 64.

37. William L. Saunders, ed., The Colonial Records of North Carolina (Raleigh, 1886), I, 59ff.

38. Berkeley to [Arlington], March 30, 1663, Library of Congress Transcripts, British Museum, Egerton Mss., No. 2395, f. 363.

About six weeks later the new proprietors resident in England organized a joint-stock company to promote the settlement of the colony. Each member was to pay an initial £500 and £200 annually thereafter. The amount was never fully paid; neither Lord John nor Sir William, for example, ever filled their quotas.[39] their title, contested by the Heath heirs, was finally secured to them in the early fall by a Privy Council decision annulling the Heath grant of 1629.[40] In September the proprietors instructed Sir William, their American agent, to organize the government of the Albemarle area and to issue land patents under proprietary titles.[41] Their letter of September 9, 1663, made specific reference to plans of settlement already under way. It suggested that he "go into conference" with "the Barbadoes men" and if they insisted upon receiving two or three hundred acres each, with seven years to settle it, he was authorized to

39. Edward McCrady, The History of South Carolina under the Proprietary Government 1670-1719 (New York, 1901), p. 274.

40. Ashe, History of N. C., pp. 68-69.

41. Colonial Records of N. C., I, 50-57: Instructions for Sir William Berkeley Governor and Captain General of Virginia in Relation to the Settling and Planting Some Parts of the Province of Carolina, and two letters dated September 8 and 9, 1663.

grant their requests provided he located their holdings back from the river (the Chowan) so as not to interfere with settlements already being made there.

Sir William visited the Albemarle settlements the following summer, and according to his instructions, organized the government into two counties, appointing William Drummond governor of Albemarle County, to the north of the Sound, and Nathaniel Bates governor of Roanoke Island County, to the south. Meanwhile he had been issuing land patents, under Virginia title until December 25, 1663, and under Carolina thereafter. The first patents, according to Virginia law, required the payment of quitrents of one farthing per acre; the later ones, according to the instructions of the proprietors, at the higher rate of one half-penny per acre.[42]

Probably during the process of organizing the Albemarle region, it was discovered that the Carolina boundaries under the charter of 1663 extended only to the shore of Albemarle Sound and consequently did not include the plantations to the north of the Sound. The proprietors, therefore, applied to the King for an extension of the boundaries thirty miles to the

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42. Ashe, History of N. C., pp. 69-71.

north, and on June 30, 1665, they received a second charter which included the requested territory by extending the boundary to 36-30 north latitude, the present dividing line between Virginia and North Carolina.[43] No one contested the new charter.

The proprietary government organized in 1664 required the governor to issue all land grants and the secretary to record them. Titles would become void if the grants were not seated within three years, and an exemption from quitrents was provided for the first five years. Until a regular salary could be arranged for the governor, he was to have a monopoly on the fur trade. This latter arrangement arouses an interesting speculative question: Had Sir William been exercising that privilege for several years, and did the suggestion for this unusual arrangement come from a custom already established? Like everything else concerning his fur trading activities, on this possibility there is not one shred of evidence. It will be recalled that in the spring of 1663 he was toying with the idea of a royal commission for a monopoly of the Virginia Indian trade for himself and a few friends, and when he failed

43. Ibid., p. 71.

to get the commission he turned his attention to further exploratory expeditions to the southwest. It is possible, therefore, that he was already enjoying such a monopoly in the Albemarle area and hoped to enlarge his activities there. In that case he had every reason to approve the new charter of 1665, even though it cut off thirty miles of Virginia "back country" and on all other occasions he fought doggedly for the integrity of Virginia's boundaries.

CHAPTER IX

INFLUENCE

The question of the extent of Governor Berkeley's influence in setting the form of Virginia's politics and society has been and still is a debatable one. It is generally agreed that both systems had assumed their permanent aspect by the turn of the century. The mere fact of his presence in the colony for nearly half of its life during the century and for the whole of its formative period would lead one to suspect that he had something to do with molding its shape. But what?

Sir William's extant writings contain no expression of opinion relative to the political system in Virginia; therefore, historians have depended largely upon comments of his friends and critics in evaluating the degree of his personal influence in the development of Virginia's characteristic institutions. Secretary Ludwell's 1666 report on the colony's government opened with a eulogy of the governor, whom he described as "the sole author of the most substantion[1] parts of it [the government] either for Lawes

or other inferior Institutions."[1] When Deputy-governor Moryson arranged to publish the General Assembly's 1662 codification of the laws, he dedicated the book to Governor Berkeley as a complimentary gesture and gave him credit as the author of the most of them, though he could have had little to do with the work, since he was in England at the time that the revision was being made. The most devastating testimonials to his influence came from the county grievances of 1677, when he was blamed for all the abuses under which the colony was suffering. Thus, whether he was being complimented or criticized by his contemporaries, he was made the personification and the author of the system of which he was the head.

A careful examination of the records of Virginia's political institutions and of the men who directed them during Berkeley's time leads the present writer to a somewhat unconventional evaluation of the influences which determined their

1. Virginia Magazine of History and Biography, V, 54-59.

development.[2]

The distinctive feature of Virginia's colonial system was the presence of a governing class of leading planters who controlled the political life of the colony. This development was of slow growth and stemmed from an increasing tendency to fix responsibility for good government in the hands of the natural leaders of the community. Though in the name of democracy the system has been severely criticized from time to time, it was not necessarily evil or corrupt; it was a very natural adjustment to the demands of a rapidly growing and expanding community.

The three decades of Berkeley's residence happened to be the period of its greatest growth, for the population of the colony increased from about 8000 in 1640 to 40,000 in 1666, and there was a corresponding extension of the area of settlement illustrated by the fact that the number of counties doubled in the

2. Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century (New York, 1910), II, Part V, and all of Wertenbaker's studies of colonial Virginia present the now traditional view. A recent and divergent interpretation may be found in Wesley F. Craven, The Southern Colonies in the Seventeenth Century (Baton Rouge, La., 1949), pp. 224-96, 360-93.

same period. Increased distances from the center of government at Jamestown and the growing burden of the expenses of government produced a gradual building up of the importance of local government agencies, which centered around the county court. As time passed, the voters re-elected the same men as their representatives in the House of Burgesses--men important in the life of the community, with a large stake in society and a gradually accumulating body of experience in government. The same community leaders filled the offices in the county courts, the vestries and the militia units. While it may have been inspired by the old English squire tradition, this governing class was not imported from England; it was a home-grown product of local administrative needs. A striking example of the consistent tendency to recruit leadership from its numbers may be seen in the circumstance that the most dramatic challenge to its position was led by a member of the group; in the customary way, Bacon and his lieutenants in this crisis were chosen from the aristocracy.

Historians have recognized the continuity of leadership in the Council and county courts throughout the three decades, but in the House of Burgesses it is sometimes overlooked because of the practice of passing

around among the planters of the county the duty of attending the sessions of the legislature. This custom began in the 'forties, and though the elections indicate changes from session to session, the same burgesses were repeatedly returned to Jamestown.[3]

In times of economic depression, those who suffer most voice the loudest criticism of the government. In the specific instance of Bacon's rebellion, the statements of county grievances complained most often of the political inefficiency and corruption of the cliques who controlled the local government and of the governor who appointed them to the chief offices. They ignored the fact that the planters themselves, small farmers as well as great landowners, had arranged the system so as to fix responsibility and save money.

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3. Craven's careful study supports this conclusion. See pp. 266-68 for details. For example, of the 35 burgesses attending the first Interregnum session, 20 had served in the '40's, but only 6 of these in '49. The seven sessions of 1652-'60 averaged 37 members and a total of 41 with service in the preceding decade. The first Restoration session had 44 members, 24 of them having served in the Interregnum. In 1663, of the 30 present, 13 had served in the previous decade. The inevitable conclusion is that there was no drastic turnover in any of the crises of the period, for the same consistency may be seen in "Bacon's Assembly" of June, 1676, and Berkeley's of March, 1677. As new counties were added, the proportion of representatives with prior service naturally decreased.

These criticisms are usually interpreted to mean that the system was developed in Berkeley's Restoration government under a dictatorship exercised through his subservient "Long Assembly."

While the analogy to Charles I's Long Parliament is striking and therefore tempting, it is not entirely apt. The tendency to follow the practice of adjourning from session to session instead of dissolving the Assembly and thus requiring new elections had developed during the Interregnum,[4] and Sir William's "Long Parliament" was not his invention. The increasing costs of frequent elections, added to the burden of the expenses of the burgesses, had been protested on the Eastern Shore in 1648, when Northampton County decided to save money by sending no representative to Jamestown and to use the excuse of no taxation without representation to avoid paying its share of the public levy.[5] The privilege of representation in the House of Burgesses was a privilege worth paying for only when its importance was challenged. The law of 1661 limiting each county to two representatives had been

4. Craven's conclusion, stated in note 82, p. 295.

5. Virginia Magazine, V, 35.

proposed in 1658 and was passed with no opposition; it suggests an effort to cut down expenses rather than to control elections.[6]

Probably popular indifference instead of gubernatorial tyranny was the reason for the Long Assembly. The House of Burgesses had established its position of first importance during the Interregnum, when it chose the governor and council, and the Restoration readjustments recognized its separate existence and its primary influence in local self-government. It demonstrated its independent spirit in 1666 when it refused Berkeley's request that two or more councillors be allowed to join in the making of the budget. The burgesses resented the suggestion, re-stated their exclusive privilege in that regard, and insisted that the councillors participate only upon special invitation.[7] This independence had become a sacred tradition by the time Governor Howard demanded the surrender of the records and special privileges in the middle 'eighties.

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6. Other references to the problem of expense may be found in William W. Hening, ed., The Statutes at Large (Richmond, 1809), II, 23, 24, 31-32.

7. Ibid., II, 254.

It seems reasonable to conclude that the governor could lead the Assembly but not arbitrarily direct it.[8]

The same tendency may be seen in the careers of the important leaders of the three decades. Even the so-called Green Spring faction, which survived Sir William, was made up of men who had learned to adjust themselves to changing regimes in England and in the governor's chair in Virginia. Families, not factions, were assuming a position of first importance in political affairs which was consistent with their economic prosperity and social prestige.

It is nearer the truth to say that Berkeley, the aristocrat, worked harmoniously with the members of the Virginia aristocracy because he understood them, trusted them, and relied on their judgment and experience. In yielding to the popular demand for new elections in 1676, he asked the voters to "cause two of the most Sage best experienced and most understanding persons to be elected Burgesses" for each county. He emphasized his reliance upon experience in these words: "... I consider the more experienced men are in any Act

8. Craven, Southern Colonies, p. 290.

Profession or Practice the more exact and perfect...."[9]

His friends seem to have exaggerated his influence upon the legislation passed by the Assembly when he was its presiding officer. A comparative study of the general revisions of the Virginia laws made in 1642, 1658, 1662, June 1676 and March 1677 reveals a striking absence of drastic changes in the political system as a result of changes in administration. Instead there may be seen a steady expansion of the duties and powers of the local government. Most of the innovations in each code tend to clarify the responsibilities of the individual officers and to arrange the conduct of county affairs in more orderly fashion.

In the matter of taxation, it is interesting to note that it was Berkeley who first suggested a substitute for the poll tax when he recommended to his first Assembly that assessment be made by some arrangement according to ability to pay. But the poll tax remained throughout the century the basis for the public, county and parish levies, probably because the quitrent taxed the land, and export duties and English customs, the trade. Furthermore, the poll tax was the easiest

9. Proclamation in Henrico County by the Governor and Captain Generall of Virginia, May 10, 1676, McGregor Ms. coll., Alderman Library, University of Virginia.

to assess and collect. For three years, from 1646 to 1648, there was an additional, property tax to meet the emergency expenses of the Indian war, and the export duty on tobacco was levied during the Interregnum. In 1663 Berkeley and the Council suggested a land tax to replace the poll tax, but the Burgesses disapproved. The real complaint of the high taxes in 1677 was not against the method but the amount and the unpopular projects for which it was being spent: buildings in Jamestown, the forts, the expenses of the agents in England. It was not true that the wealthier planters escaped taxation in any proper proportion, for they paid the poll tax on all their servants as tithables, the quitrent on their lands, and the export duty on their tobacco. The freeman with no estate, and not the small planter, suffered most from the inequalities of the poll tax. A property tax would unquestionably have been more equitable and indirect taxes more painless, but Governor Berkeley cannot be held to account for his failure to force the Assembly to adopt a philosophy which belongs to a later period in history.

In the matter of the suffrage, the record does not present Governor Berkeley in the role of the enemy

of civil liberties. During his first administration every freeman could vote. An experiment during the Interregnum restricting the suffrage to householders lasted only one year. Then in 1670 the Assembly re-enacted the restriction to freeholders and householders because they bore the chief burden of taxation. The act[10] stated two specific reasons for the change: first, some freemen, especially former servants, who had no stake in society created disturbances at elections and misused their votes; second, the law brought the Virginia system into closer conformity with that in England, where a property qualification was in force. Governor Berkeley was not instructed to sponsor such a measure until six years later; at that time the Virginia Assembly was repealing the law of 1670 and restoring the suffrage to all freemen. With so little evidence, it cannot be stated definitely that the Assembly changed the voting qualifications with complete independence from the governor's interference, but such would seem to be the case.

Sir William expressed respect for the Virginia aristocracy as a group and recognition of its origins

10. Hening, Statutes, II, 280.

when he wrote in 1663:

> An other great imputation lyes on the Countrey that none but those of the meanest quality and corruptest lives go thither. This to our Maligners we would easily grant, if they would consent to the omen of it; for was not Rome thus begun and composed? and the greatest honour that was given to Romulus and his City was this, that his severity and discipline in his time, made them formidable to their neighbors, and his posterity masters of the world. But this is not all truth, for men of as good Families as any Subjects in England have resided there, as the Percys, the Barkleys, the Wests, the Gages, the Throgmortons, Wyats, Degges, Chickeleys, Moldsworths, Morrisons, Kemps, and hundred others, which I forbear to name, lest I should misherald them in the Catalogue. But grant it were thus, is this any imputation to the place, that those that come from hence with those ungoverned manners and affections, change them there for sober and thrifty passions and desires, which is evident in most that are there; ... for it is hope and a proposed end that quickens our industry, and bridles our intemperance; ... we find there that if we will be provident and industrious for a year or two, we may provide for our Posterity for many Ages ....[11]

Moreover, he declared, "a small summe of money will enable a younger Brother to erect a flourishing Family in a new World; and adde more Strength, Wealth, and Honour, to his Native Country, then thousands did before, that

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11. Sir William Berkeley, A Discourse and View of Virginia (London, 1663), p. 3.

dyed forgotten and unrewarded in an unjust War."[12]

If his list of "some" of the "good Families" had been compiled by a prophet, he would have selected from the "hundred others" the names of Richard Lee, Colonel John Carter, Ralph Wormeley, Theoderick Bland, Robert Beverley and other founders of eighteenth-century dynasties who had already established themselves as prominent planters. William Byrd and William Fitzhugh were to enter the inner circle before Berkeley's administration drew to a close. Louis B. Wright has described Sir William's era as "the most critical period in the crystallization of an aristocratic order" in Virginia and given Governor Berkeley the first place in influencing its tone and ideals.[13] No one questions his gallantry, his personal charm, his courtly manners, his urbanity, his hospitality. And his polish was not superficial. One cannot read his letters without receiving a vivid impression of luminous phrases, pungent style, and statesmanlike grasp of colonial

12. Ibid., p. 9.

13. Louis B. Wright, The First Gentlemen of Virginia (San Marino, California, 1940), pp. 76-77.

problems.[14] But his confidence in the aristocracy was balanced by distrust of the less privileged members of society. In proposing to the King an additional export tax on tobacco, which had been recommended by the Virginia planters, he expressed concurrence with their pessimistic attitude toward the mass of the people. "But a nearer way to a publick unquarrelled contribution they cannot find," he wrote, "having this Axiom firmly fixt in them, That never any Community of people had good done to them, but against their wills."[15]

His most quoted comment appeared in his 1671 report:

> ... But, I thank God, there are no free schools nor printing, and I hope we shall not have these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government. God keep us from both![16]

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14. Howard M. Jones, The Literature of Virginia in the Seventeenth Century (Boston, 1946), pp. 29-30.

15. Berkeley, Discourse, p. 8.

16. Hening, Statutes, II, 517. Of course, the statement about the schools was accurate only in the sense that there was no public school system which provided free educational opportunities for the majority of the colonists.

Since he himself had received the best possible education at Oxford, his condemnation of learning per se seems too uncharacteristic to be accepted without qualification. The quotation is misleading because it is taken out of its context. Berkeley was answering a question concerning religious instruction in the colony. His reply first condemned the irresponsibility of the Virginia ministers who supervised religious teaching, and then implied that all non-conformists were disloyal because something was wrong with their thinking processes. On the whole, he certainly would have agreed with Pope that "a little learning is a dangerous thing." But even his most ardent admirers could not have expected him to anticipate Jefferson in a plan to educate the common man for political responsibility.

There was less friction between the governor and the local officials in Berkeley's time than in other administrations, not because Sir William was a more efficient English autocrat than his predecessors and successors, but rather because he was an old resident planter whose personal interests centered in Virginia. In the beginning he may have planned to make his fortune and return to England as soon as possible to enjoy it. But after the King lost the Civil War, Berkeley's

best opportunities lay in the colony, where his prestige and power were unchallenged. However, he always remembered that he was the King's agent and took his responsibility for the welfare of the colony seriously. Unsettled conditions in England for two decades gave the colony its first opportunity for independent development. First, the Civil War interfered with the administrative machinery in England; then the Interregnum, with its multiplicity of committees and councils directing colonial affairs, never evolved a settled colonial policy or specific instructions for the individual parts of the empire. The Virginians, therefore, comparatively free of control from London, developed their own institutions to suit their interests. Having acquired the habit, they continued to be guided by that point of view after the restoration of regular authority in England. On the whole, Berkeley catered to local interests and tried to give the colony a prosperous, protected and ordered existence, with as many of the good things of life as could be achieved. He set an example of gracious, hospitable living at Green Spring, the original model of the Virginia manor house of the eighteenth century. Since his instructions were not always suited to Virginia conditions, he gave them

practical application in cooperation with local officials, and thus developed an effective colonial policy, which was designed to assure Virginia a position of first importance in the empire.

On the other hand, he usually worked smoothly with the various agencies of the Privy Council, for he was a personal friend of many individual officials. While his written protestations of loyalty and devotion to the King were almost fanatical, his obedience to the Crown's orders was usually sensibly modified in action. Moreover, he did not hesitate to point out errors in Crown policy or to make suggestions for Virginia's welfare.

In spite of his failure to solve the problem of the colony's economic stability within the empire program, he was an able administrator; he repeatedly attacked the fundamental difficulties and exerted himself and his influence more energetically than any other colonial Virginia governor. It is tragic that the program to which he devoted his most intelligent planning and greatest personal activity should have caused the dramatic upheaval of his last year in office and blasted his record of more than thirty years of efficient and popular administration.

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